9-30-1991

The Advocate, September 30, 1991

The Advocate

STUDENT NEWSPAPER OF THE NATIONAL LAW CENTER

Vol. 23, No. 3

Monday, September 30, 1991

L.A.W. SEMINAR

by Alisha Amburgey

Inspector J.D. Harwell of the University Police spoke to a group of law students on Thursday, September 26, at the "brown bag lunch" on campus safety sponsored by the Law Association for Women (L.A.W.). Harwell focused on issues of crime and safety within the NLC and the nearby community.

Harwell claims the biggest crime problem at the NLC is the theft of unattended property. Approximately 550 property thefts are reported throughout the campus each year, and approximately 38 such thefts are reported yearly at the Burns Law Library. Leaving belongings unattended, even for only a few minutes, exposes one to the risk of having purses, jackets, or books stolen. He explains the problem is not with other law students, but with outsiders who gain access to the law buildings and the library and then watch for students to leave their personal items unattended.

Presently, textbooks are one of the hottest items for thieves. "Expensive law textbooks bring quick cash to these thieves," claims Harwell. After thieves lift the books, they sell them at book buy-backs for a fast $10-15 per book.

Bicycles are another hot item. Harwell says that approximately 10 bicycles per month are reported stolen on campus. He advises that bicycle owners should purchase sturdy bike locks because most thieves are able to pry the lock off a bike simply by physical force. He also noted that anyone wishing to register their bicycle may do so at the Fire Department on G Street.

Harwell also cautions students to be careful when walking alone at night because when the "sun goes down, crime goes up." Street robberies, in which a person's belongings are stolen directly from their person, are common and usually occur on the fringes of campus, after midnight. Harwell points out that the Campus Escort Service operates 24 hours a day and will escort students to the Foggy Bottom Metro Station and anywhere within two blocks of campus. Students can reach this service by calling 994-6110 or 994-6113.

Harwell's strongest suggestions for students are to avoid leaving personal belongings unattended and, for females especially, to avoid walking alone late at night. He is willing to answer any individual questions students may have about crime on campus or in the areas of the city where they live. He can be contacted at 994-6110.

The L.A.W. plans to sponsor a self-defense workshop in the near future. Any women interested in joining the association should contact co-chairs Mia Bitterman or Dina Gold.

ENRICHMENT SERIES KICKS OFF

By Barton R. House, Jr.

This year's Enrichment Program started last week with a lecture given by ACLU president Nadine Strossen. In front of a packed amphitheater, Strossen addressed what she called "The Challenge to Civil Liberties." In speaking about the challenge, she focused on the Supreme Court's role in protecting the Bill of Rights against attacks from the legislature.

Strossen started by delineating the Supreme Court's changing role into three eras. The first, Strossen stated, began in the late thirties and was characterized by the Court's vigorous enforcement of property rights and its failure to protect the Bill of Rights. The second era, that of Warren and Berger, Strossen said began around the time of the New Deal and displayed the Court as taking on a more passive role towards legislative review and as an aggressive enforcer of individual rights. The third era, that of Rhenquist, began in the late eighties, and has precipitated a fundamental shift of the Supreme Court. This new era has the court taking on a passive role to both legislative review and the protection of civil rights, Strossen said.

To support her position about the Court's new role, Strossen cited *Oregon v. Smith*, a 1990 case involving the rights of religious members to use peyote during their ceremonies. She noted that the Court, although recognizing that the minority does not have a voice in the legislature, placed the burden on the legislature to make exceptions for the minority. In his opinion, Chief Justice Rhenquist explained that this was an unavoidable consequence of a democratic society. In deciding the case, the Court was unrestrained, Strossen stressed, in that it looked at and decided on an issue not brought up at any time by either counsel. The new Court, passive in legislative review, actually took on an active role when doing away with an individual's rights. Its combat in the war on drugs, she continued, is being used as a vehicle to destroy the Bill of Rights.

In an effort to show that *Smith* was not an isolated case but a clear indication of a trend, Strossen discussed several other cases in which the Court failed to protect individual rights. In her discussion of *Michigan Dept. of State Police v. Sitz*, a 1990 case which deals with the constitutionality of sobriety check points, she pointed out that the Court was willing to take away an individual's right if it was done to all, by using what she jokingly pointed out as a "misery loves company" doctrine. She also mentioned *Hodgson v. Minnesota*, another 1990 case involving the constitutionality of the requirement of parental notification for an abortion involving a minor, in which it was held that it is not the Court's role to second guess the legislature even when it concerns the taking away of women's personal freedoms.

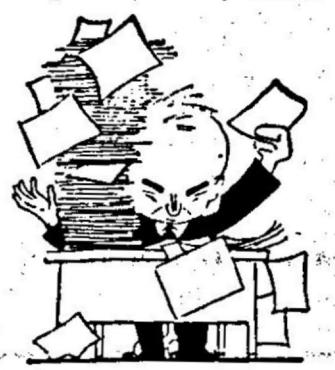
In her conclusion, Strossen proposed a way to meet the challenge raised by the Rhenquist Court. She said to face the challenge, we must make people aware of the Bill of Rights and explain why it is worth protecting. The Supreme Court's passive role only means that we must take on a more active role. We must become more politically active and turn to the legislature to help protect our rights. Strossen sees our chance to meet this challenge in the upcoming "Gag Rule" legislation which will, in a sense, overrule *Rust v. Sullivan*, a recent Supreme Court decision that upheld federal regulations stopping doctors who received federal funding from advising woman about abortion.

Inside

EDITORIALS

The Advocate

Student Newspaper of the National Law Center



The Advocate is published bi-weekly by the students of The George Washington University National Law Center. Its office is located on the fourth floor of Jacob Burns Law Library, Suite B401, 720 Twentieth Street, N.W., Washington, D.C. 20052; Phone: (202) 994-7325.

The Advocate will consider for publication all articles, letters, announcements, cartoons or opinion pieces submitted by 5:00 p.m. on the Wednesday before publication. **All contributions must be submitted in WordPerfect, preferably on a 3 1/2" diskette,** which will be returned after publication.

1991 - 1992 Publishing Schedule:
(Subject to change without notice)

August 26, 1991 September 16, 1991
September 30, 1991 October 14, 1991
October 28, 1991 November 11, 1991
November 25, 1991

January 21, 1992 February 3, 1992
February 18, 1992 March 2, 1992
March 30, 1992 April 13, 1992
April 27, 1992

Help Wanted

The Advocate is looking for mature, self-motivated individuals to serve as account representatives. Responsibilities would include soliciting advertisements, copy editing, invoicing, and servicing clients. Account representative is a compensated position. Interested persons should contact the Editor-in-Chief or the Managing Editor.

LETTERS TO THE EDITOR

R & R I

To the Editor:

I am a black third year law student who would like to respond to Chris Reismeier and Larry Ruggiero's "dispassionate evaluation" of the merits of affirmative action in the September sixteenth Commentary. Throughout my tenure at the NLC I have been guilty of sitting somewhat "dispassionately" by while blatant "nonminority" positions and attitudes have been expressed in this publication. Perhaps it is my imminent departure that now beacons me to strike back, or maybe I am just sick and tired of the loose language and uninformed viewpoints that so incorrectly characterizes the Black Community at GW.

On one level, I am aware that R&R, the Geraldo Riveras, of law school journalism probably gave little thought to their snide remarks of last, in their attempts to incite anger and frustration. However, it appears to me that I have read similar arguments printed elsewhere and displayed boldly in the media. The analysis offered by R&R is flawed for many reasons, and I invite them to "consider the facts."

First, it is stated that affirmative action (AA) *"provides, on average, opportunities for less objectively qualified minority students to attend college." They go on to cite* lower GPA requirements for minorities admitted under the NLC's version of AA. The obvious implication is that it is fundamentally unfair in a society based on equality and fairness to favor one applicant over another based solely on skin color, and on the average, minority students are less qualified than their white counterparts. In their eyes, a truly fair system would accept strictly the highest numerical test scores, giving no consideration at all to race or ethnicity. You see, there is no place for any of that in a society truly based on equality. You all know the story, "life, liberty, equality . . . and so on and so on.

The problem with this deceptively appealing, yet flawed reasoning is that for minorities, this so called society based on fairness and equality does not exist. Unfortunate, yet resoundingly true are the realities faced by minorities in this society: We cannot compete on a level playing the field, because even in 1991, we often begin our climb at the bottom of the hill. Some of us never get up to bat, and we spend our lives as spectators and foils of a society that still shuts us out. AA simply gives a few of us a swing at the ball. It puts all players at the relatively same starting point.

Furthermore, when did the LSAT's become the most important or only barometer of success in law school, or practice for that matter? So R&R scored five points higher, on average, than I did on my LSAT's. Do they really believe that such facts alone make nonminorities more qualified students, individuals or potential attorneys than minority students? Objective data is obviously extremely important in evaluating candidates for any course of study, but should the NLC adopt R&R's proposal, the people who can afford the prep courses, or who attended the best prep schools, in short, the ones who currently enjoy significant personal advantages would always win. This school would lose a tremendous amount of talent and diversity, a situation that would adversely affect blacks as well as whites.

Decisions are made every day that deny thousands of people opportunities based solely on considerations of skin color in all walks of life. But if R&R contends, for one second, that the majority of the victims in the scenario I have just described, in this our beloved "egalitarian" society are white, then they are not only uninformed, they are quite simply, blind.

R&R's obvious message is this: *You blacks don't belong here. You don't, on average, score as well as your white counterparts, and you're getting in the way of the people* who really, in a purely objective sense, deserve to be here. Let's call a spade a spade. So please Admissions Office, Please change your policies, will you, huh, huh? What they fail to note is that no school admits students based solely on prior numerical performance. Blacks and other minorities are just easy targets of criticism.

Long before there were any formal affirmative action programs, informal quotas of all kinds existed and still do. Maybe some of you nonminority students are members of the "I'm white, but I have a Hispanic sounding last name" quota, or the "Italian, Irish, Jewish or whatever-American" quota, or maybe you're just in the "Southwestern or Midwestern U.S. large city/ small town" one. Yes, all of the characteristics mentioned above are considered by Admissions Offices all over the country all of the time. And what about preferences for athletes and children of prominent alumni and other not so prominent rich folks? It's funny, but these preferences are never questioned, despite their own objective or numeric inferiority. Perhaps what helped Mr. Ruggiero along, is his interesting or should I say ethnic sounding last name. It's probably what separated him from the 600 white guys named Smith or Jones from the East Coast who did as well or better than he on their boards.

Preferences cut across many lines, but it is infinitely easier to frame the issue as question of undeserved black entitlement. We nasty little minorities are stealing all the opportunities from the poor white folk. Everyone's favorite buzz word is QUOTA, as if that was ever the issue. In our hypocritical yet fervent American egalitarian ideal, such talk is potent, even lethal medicine. However, this characterization of affirmative action programs as quota-based obscures how many such programs work in reality. The bottom line is that few Americans, including blacks, support random quota systems. No American wants to work alongside an undeserving, incompetent, black or white. But that scenario, particularly at the NLC, is rarely, if ever the situation. R&R, however, like George Bush, knows how to play the race issue to the hilt. You want to piss some white folks off -- just tell them that blacks are getting unfair, preferential treatment. If that doesn't work, there is always Willie Horton.

What they fail to see is that the relevant inquiry should be the same as it was at Yale years ago when *Clarence Thomas was admitted under their minority admissions program: Can the applicant do the work; can he succeed? All of you* conservatives who so heartily endorse that affirmative action beneficiary for the highest court in the land -- a position at the pinnacle of legal authority and respect should laud affirmative action for giving this man one simple thing that perhaps you take for granted, but so many black children are denied every day; an opportunity.

Where would Clarence Thomas and other success stories like him be today if the standard urged by R&R were accepted? It is clear that entry hurdles need to be lowered for blacks and other minorities. History has written the text, one equally lucid and fraught with the inequalities that exist today. Affirmative action simply guarantees a few competent and qualified blacks an opportunity to compete in venues traditionally closed to us. Once we are in the NLC, or elsewhere, we are held to the same standards as every other student/worker. If R&R had done some research, they would have found that despite affirmative action programs, black student enrollment has been in decline for the past decade. The Supreme Court has steadily cut back on the breadth of these programs with several adverse rulings over the same time span. Black unemployment more than doubles white unemployment at around thirteen percent with a bullet. Yet still, irresponsible journalism like R&R's continues to whip the crowd into a frenzy by throwing around meaningless buzzwords.

As for the statement that affirmative action places nonminority students at a disadvantage as they search for jobs -- let's get a little perspective here. R&R cites the Minority Clerkship Program at the NLC as evidence of this preposterous assertion. First, that program involved about seven or eight Washington firms that traditionally, hire so few minorities per semester that it probably could be counted on one hand. But even more importantly, let's look at this proposition realistically. How many of you summer associates and law clerks remember seeing a black partner at your firm this summer? Black associate? I would venture a guess of not many, if not any. I was shocked last fall when I conducted my job search and was confronted by the sheer lack of black attorneys in the firms that I interviewed with. The only black people I saw were the service people who shot me furtive glances of amazement as they waxed the brass door handles.

For those who watch L.A. Law and doubt what I say, go look in the *NALP book. You will find minori*ty representation in these firms virtually nonexistent. For those of you who are worried about black folk taking away all of the jobs-have no fear -- it's business as usual in the vast majority of American law firms, and in this tight economy, it is the black attorney who gets hit twice as hard-believe that.

Frankly, it amazes that a supposedly educated white man can blame the vagaries of the job market on black people. This is simply ludicrous. It further amazes me that AA is blamed, in the main, for the tightening legal job market, and the disappearance of opportunities for nonminority lawyers. In case you didn't hear R&R, the nation is in an economic recession that was caused by gross fiscal mismanagement over the past two administrations-you remember don't you? Those are the guys who took the teeth out of affirmative action, and are also directly responsible for your present job woes. You see, those guys have been raping the American people for so long, that now they are really good at it. At the moment, they are screwing you, R&R, and many people like you, but they are doing it so well, that you do not even know it is happening; or, perhaps you don't care to know. Instead, you sit around and blame affirmative action. What a crock. Write your congressman, and Bush, and Reagan

go to page 5

LETTERS TO THE EDITOR

R & R I Cont'd

and their entire army of incompetent policy makers! They are the parties who have wrought this economic nightmare upon our land, and are costing people jobs.

Lastly, R&R, rather feebly, attacks diversity as a rationale for affirmative action because "most of the benefits of racial diversity . . . are lost in the student offices located on the fourth floor of the law school." They go on to paint black students as separatists who offer nothing or no identifiable benefit to this institution. Again, they missed the point: Diversity comes in many shapes and forms. Minorities in this school range from all over this planet and unique walks of life. Perhaps, in this environment where heavy emphasis is placed on the positive law, some of that is lost or stifled, but I am positive that many students who have made lasting friendships with minority students have been enriched and have benefitted from working and learning with those from diverse ethnic, racial and cultural backgrounds.

Although I do not agree with the characterization of America as a "Great Melting Pot," AA has done far more good than harm in bringing diverse groups together, so that we can learn about each other and combat the stereotypes so rampant in our society. Were in not for AA many doors that are now open such as unions, civil services, etc. would still be closed to minorities. R&R speaks of an "American cooperative spirit." I cannot think of a better way of engaging this spirit than by bringing together dynamic, intelligent and accomplished individuals of all races in an environment of higher learning, one of the central goals of AA.

It is further claimed that minorities isolate themselves, but how many times do nonminorities approach these "race-based" groups on the fourth floor about anything? And what would R&R do if they attended a predominantly black institution: Would they not flock to the few white students in attendance for support and guidance?

I find equally preposterous the assertion that blacks suffer from affirmative action because of some inherent stigmatization caused by such programs. I can think of many adjectives to describe the black students at the NLC, but "victim" certainly is not one, nor do I believe that minority students see themselves this way. The black students at the NLC are all highly qualified students with excellent academic and extracurricular credentials. There are scientists and engineers, artists and writers, people with advanced degrees in varied disciplines and leaders in civic and academic organizations.

Speaking strictly for myself; I couldn't give a damn if white students believe that I am somehow less qualified than they are. I have proven myself in this institution and people who know me, white or black, can attest to that. Victim? No, not hardly. I came here with the same confident, "kick ass" attitude that I have had all of my life, and it is still intact. I am willing to stack my qualifications and legal ability against any nonminority law student in this school. Of course, many would outstrip me, but many would not. You see, that is the beauty of AA, it gives hard working individuals a chance, not free ride, just a chance - then they have to do the rest. Perhaps my objective test scores were not the highest, but I have been a successful student and will be a successful member of the bar, where incidentally, black national membership is only at three or four percent. Unlike Uncle Thomas, however, I applaud institutions such as the NLC for giving individuals like myself a turn at bat. I have had to work as hard as the next guy, but I can acknowledge the helpful start that AA has given me. Thomas is a hypocrite; no one makes it alone -- not even the white guys.

R&R also blames racial violence on AA. I blame it on intolerance-the same kind of racial intolerance that their article promotes. They write about the great american cooperative spirit, singing loudly that Reagan-Era crap that blacks just need to lay down, close their eyes and be stripped of the few opportunities they have left: Don't rock the boat Negroes, we might have to get rough. The overall message was not lost on my ears, and I'm fed up with it, and insulted. Don't threaten me, R&R. I've heard that white backlash crap before, but it doesn't scare me. I'll get mine, BY Any Means Necessary! And furthermore, do you really mean to intimate that the Kevin Turner, Blowdart, and other racial incidents on this campus was fueled by white resentment of affirmative action programs? Give me, no, give us all a break.

This R&R quote, though, is indeed a classic: "Respect for the individual is lost when groups and institutions place . . . emphasis on skin color." Pardon me, but America has always placed, and still places emphasis on skin color. Remember, that's what got us into this mess and is still plaguing us. The problem is that for many white americans, the civil rights movement is over and society is now integrated; racism eradicated. Look inside yourself, and look around, step outside of Foggy Bottom for two seconds: The truth is blaring, but few are listening. Blacks continue to face several crises of gigantic proportions: Unemployment, homelessness, drugs, infant mortality and others. It amazes me that in a time of parallel, national domestic crises, Americans have chosen to focus so much attention on the affirmative action issue. It's a hell of a political tactic though, tried and true, which some whites like R&R find easy to buy into; after all, everyone loves a scapegoat. One writer calls this phenomenon "The Politics Of Diversion; Blame It On The Blacks." The strategy is quite simple: Keep Americans fired up about race, our favorite preoccupation, then we don't have to see the ugly truth about what is <u>really</u> ailing our sore nation.

Albert Wayne Gill
3L

[Editor's Note: *The viewpoints expressed in this letter are Mr. Gill's, and do not represent the views of BLSA or any other student group.*]

R & R II

To the Editor:

After reading the latest installment from R&R, I feel compelled to ask the question of what it is exactly they are complaining about, or, in other words, what is the issue they have raised. At first glance, it would be easy to conclude that they advocate a rejection of the law school diversity program. However, it struck me that implicit within their article were several concessions that I found interesting.

Initially, we are told that affirmative action "provides, <u>on average</u>, opportunities for less objectively qualified minority students to attend college." A comparison of GPA's and LSAT scores then follows. (It seems obvious to anyone who has ever looked at a college or graduate school application that there are essentially three areas admission committees look to when determining who is "objectively qualified." These are standardized test scores, academic background, and PERSONAL background. While the impact of the third factor may be debatable, it is a factor, contrary to what R&R's omission would have us believe). Later in the article, however, the notion that rising from a background of socio-economic disadvantage is an achievement worthy of consideration during the admissions process, and can add worthwhile diversity to the student body, seems to be accepted. According to their article, "true diversity may be an important objective," and "[t]he same results could be achieved by simply reviewing the socio-economic backgrounds of all applicants together." I personally agree with this. Achievement of academic success in spite of the numerous burdens associated with socio-economic disadvantage certainly can be considered evidence of character and diligence which would be an attribute to any law student and those associated with him or her. It seems R&R realize that while numbers are generally of paramount importance to the admission process, personal background and experiences which indicate a propensity for successful performance in the legal field should be a factor in the process. Why these are subjective factors escapes me. It is the objective view of the admission committee that decides what weight to accord them, not the subjective opinion of the applicant. Clearly, the administration has an unenviable task in trying to balance its desire to enhance the reputation of the school by bringing in students with high numbers with its desire to consider such other factors.

If these two propositions are indeed accepted by my colleagues, then it seems there are two primary issues raised by their criticism of the diversity program. The first is the value of attempting to achieve some level of diversity; and the second is the use of a rebuttable presumption that members of certain minority groups have risen from backgrounds of socio-economic disadvantage. I will address each of these in turn.

Regarding the value of achieving some level of diversity among the student body, contrary to the tone of R&R's article, the question is not limited to whether or not it will benefit other members of the student body. While we will be law students for three years, we will be lawyers for the remainder of our careers. In my opinion, it is a worthy goal of any academic institution to attempt to produce professionals from the underprivileged segments of our society, whose mere success MAY serve as an example for others from all segments of society of the type of success that is possible and the potential contributors to society members of these groups represent. If the diversity program achieves nothing else than this, then in my opinion it is worthwhile. As for the issue of whether or not the student body itself will benefit from racial diversity, I don't understand how

go to page 6

LETTERS TO THE EDITOR

R & R II Cont'd

this can be answered either way by students of this law school when the level of diversity is so minimal. Perhaps if the percentages of minority students were more significant than they are, if it were virtually impossible to go through three years of law school without significant interaction among all groups, understanding among them would be enhanced, and the tendency for minority groups to associate among themselves which so disturbed R&R, would be diminished. My only point is that any assessment of the value of diversity to the student body itself at this point is primarily speculation, and speculation is an insufficient basis upon which to conclude that the program is of no value.

The second issue I believe was raised by the article, and in my opinion the primary "beef" of R&R, is the use by the admission committee of a rebuttable presumption that members of minority groups come from disadvantaged backgrounds, and that members of non-minority groups do not. R&R indicated that a special committee reviews minority applications to determine whether they warrant consideration of special factors in the applicants background. Thus, if it turns out that a minority applicant came from a background unassociated with the challenges of growing up in an underprivileged environment, the committee could conclude that there was nothing unusual about that application. Likewise, non-minority applicants have the opportunity to bring to the attention of the admissions committee any personal factors believed significant to the admission decision, and the committee may or may not consider those factors. Thus, both presumptions are rebuttable. In my opinion, using such a rebuttable presumption in favor of minority applicants is justified. I believe that members of these groups will face many rebuttable presumptions throughout their careers. Unfortunately, I also believe that most of these will work to their disadvantage. While this point is subject to some debate, any argument that such disadvantageous presumptions do not exist must be premised on the assertion that racism in our society is a thing of the past. I believe that such an assertion is implausible. Discrimination tests continue to discredit it. (This also makes me wonder who really should be concerned about the "finite" number of jobs available on the job market). Therefore, it does not disturb me that when it comes to admission to law school, an advantageous rebuttable presumption exists.

Finally, I found several other points of the article interesting. First, it amazes me how opponents of affirmative action programs profess a deep compassion with those intended to benefit most from the programs, by pointing to the stigma all minorities must contend with. I wonder why only a small portion of the minority community who express opinions on such programs share such a view. Perhaps it is because many people view such programs as providing the opportunity for minorities to obtain positions from which they can dispel such stereotypes. Secondly, I would like to point out that the assertion made in the article that the rise in "hate" crimes against minorities is attributable to diversity programs is only one possible inference. It seems that an equally plausible explanation is that individuals who have had little contact with members of minority groups in positions of equality have had difficulty adjusting to such situations and therefore reacted with "hate" crimes. I find it hard to accept that when an individual commits a "hate" crime the motivation is discontent with an academic diversity program. Finally, the assertion that the great American melting pot is being stymied by affirmative action programs seemed to disregard the fact that such programs were motivated by the realization that that melting pot had failed a huge segment of our population. (Of course, this assumes that "melting in" is a worthwhile goal, an assumption which itself is susceptible to criticism.) These programs were initiated by the representative branches of our governments at every level. This has also been an issue of significance to many individual citizens. Doesn't this reflect a perceived need for such programs? I also question whether it can be legitimately asserted that the great American melting pot can still achieve the wonderful results it did in the past with many other minority groups. Our society seems to have differing views on whether minorities can still "melt" in. If they can't, then from my perspective, the logical next step is to turn the heat up under the pot.

Finally, I would like to say that I admire my colleagues for asserting their position on what is clearly a controversial and difficult issue. However, I believe that this country will never achieve the full potential the great melting pot was leading us towards until every group in our society is given the valuable opportunity to contribute, opportunity which I believe remains unequally distributed today.

Geoffrey Corn
3L

JAG

To the Editor:

Once again the Judge Advocate General (JAG) Corps will be interviewing NLC students and once again Jeanette Kinane has encouraged students to consider JAG as a prospective employer while failing to warn students that JAG does not welcome all students. (Ms. Kinane wrote a similar article two years ago to which the Gay and Lesbian Student Association responded in a letter to the editor.) Gay and Lesbian students are not invited to seek employment with JAG. Pursuant to the Defense Department's discriminatory policy against Gays and Lesbians (Directive 1332.14), JAG does not welcome Gays and Lesbians and, therefore, a significant number of NLC students. According to this directive "homosexuality is incompatible with military service."

The DOD policy against Gays and Lesbians is not supported by any evidence of the relationship between military service and sexual orientation. Two recent studies produced by the DOD have found that Gays and Lesbians are suitable for military service, pose no more of a security threat than heterosexuals, and should be integrated into the military. (1988 and 1989 PERSEREC Reports). The studies also countered the DOD's standard arguments that Gay and Lesbian presence in the military will adversely affect discipline, morale, mutual trust and confidence among service members, security, and public acceptability of the military.

These arguments used by the DOD in attempt to justify a blatantly discriminatory policy against Gays and Lesbians directly parallel the rationale used by the DOD to discriminate against African-Americans and women before their integration into the military. Furthermore, the military structure was found to be capable of dealing with any problems during the process of integration.

There are estimates that 100,000 to 200,000 Gays and Lesbians currently serve in the armed forces, many of whom served in the Gulf War. The number of Gays and Lesbians who are successfully fulfilling their duties in the military shows that the DOD's fears are unwarranted. However, it has also been estimated that 1000 Gay and Lesbian soldiers have been investigated and discharged this year. This process of training qualified soldiers and enlisted personnel then later investigating and discharging them on the basis if their sexual orientation is a great waste of military resources.

The NLC community should be aware that JAG discriminates against Gays and Lesbians not only because a significant number of students are denied an employment opportunity, but also because as long as JAG maintains its current policy and is allowed to participate in campus-sponsored interviewing programs, the NLC is condoning discrimination. However, according to GWU's newly amended anti-discrimination statement, discrimination based on sexual orientation is not permitted in any university-recognized area of student life. . . Hmmmm?

Kimberly Teraberry
3L

A Student's Perspective On InterScholastic Moot Court Competition

By: M. Melisse Lewis

Last March, a fellow NLC student and I competed in the Cardozo/BMI Entertainment Law Moot Court Competition in New York City.

The competition had thirty-four teams from around the country arguing both sides of two issues in the preliminary rounds. The level of preparation was very high. Many of the competitors were third year law students who had competed in the competition the previous year. Most teams had three members, whereas the NLC team was made up of only my partner and me. The addition of a third member to the team seemed to alleviate the burden on the other teams in researching the issues and writing the briefs.

Furthermore, most teams were accompanied by a faculty "coach," *and in some cases two coaches. These coaches were allowed to sit* in on the arguments. My partner and I felt this should not have been permitted because the arguments took place in classrooms, enabling competitors with coaches to look out at their coaches for guidance while the judges asked questions. (Competitors stood at a podium in the front of the room, facing the judges, fellow competitors and coaches sat at desks facing the podium.) During one of our arguments, a competitor's coach was actually nodding his head, apparently to indicate how he would answer the judge's question!

As for the logistics of getting to the competition, much was left to be desired. Registration was held at 2:00 p.m., with arguments scheduled for 7:00 and 9:00 p.m. Both our arguments started twenty to forty minutes late because of delays such as waiting for night classes to end so that we could use the classrooms, judges arriving late to the competition, and general frenzy.

In general, we had "hot benches," meaning the judges were practicing lawyers specializing in copyright law - the law which governed both issues in the case. Thus, judges were very specific and detailed in their questions. To this end, competitors with whom I spoke demonstrated that they had a thorough knowledge of trends in the music and entertainment industries (the case concerned sound recording performance royalties and copyright infringement) as well as knowledge of the relevant law.

The day following the preliminary rounds, BMI, the music performing rights organization which co-sponsored the competition with Cardozo Law School, held a reception for the competitors and judges. My partner and I stayed at our own expense in order to attend this reception because GW cuts off any reimbursements the moment a team ceases to advance. We enjoyed the reception because we were able to meet and talk to the leading performing rights organization attorney for BMI, as well as other attorneys practicing entertainment law in New York.

Overall, arguing in the competition was quite educational and afforded us the opportunity to gain experience arguing before knowledgeable and accomplished attorneys in the field.

Choosing to do the competition did have a few drawbacks however. First, we were not prepared to spend the amount of our own money that the NLC required us to spend. Not only was the pecuniary burden a shock, but the budgeting constraints imposed on our team put *physical and psychological burdens on us which we felt affected our energy at the competition.*

For example, we had left our homes in D.C. at 6:30 a.m. the day of the competition in order to get a train early enough to get us to New York City in time to travel to the hotel, register, change into our suits, and travel to the competition. As it turned out, with all this running around, we did not have much time to compose ourselves before the competition. My partner and I both felt if we had not been in transport for more than twelve hours before our first argument began, we may have performed better. The financial savings for the NLC from our being required to use the cheapest transportation (no taxis, no metroliners, no airplanes) and not being allotted any money for food seemed trivial when compared to what was lost, namely the chance to enhance the reputation of the NLC by having a team win the competition. We felt that the NLC should allot competitors the money necessary to reach the competition without feeling exhausted. Other schools at the competition provided their students with airfare, as well as $20 - $50 a day for cab fare, a not unreasonable sum for New York City. In contrast, my partner and I rushed around in a rain/snow storm that day to get to the subway, our hands full of our competitors' briefs and our own materials.

We were also dismayed to learn that we were responsible for all of our own food expenses while in New York. Meals in midtown Manhattan are more expensive than in Foggy Bottom. Even the delicatessens near where we were in New York were more expensive than the average student's budget allows. My partner and I felt a little cheated by the NLC when we learned that the other schools with teams competing had allotted food money to their competitors. We wondered how schools such as Brigham Young Law School, which charges just a little over $4,000 a year for tuition could afford to give their competitors money for food, while the NLC could charge $16,750, almost four times as much tuition, and not provide one thin dime to their own team.

As for our hotel, we had to argue with the Moot Court Board to get the money to stay at the hotel where all the other competitors were staying. Our coach from the Board even suggested we stay with any friends we had in the area. My partner and I could not understand how the Board valued the $150 for two nights at the hotel, if we had advanced to the next days' competitions, higher than a good night's *sleep for their team.*

Lastly, we felt a little dismayed to learn that what money we were allotted would be cut off the moment we failed to advance. This was disheartening to us because the other teams we talked to were told they could stay in New York for the entire competition, regardless of whether they advanced or not, in order to attend the reception, parties, and brunch arranged for the competitors. We were also a little embarrassed for the NLC when the judges and Cardozo's dean asked us why we would not attend the other events. For all the hoopla made about the NLC's "rising" reputation, I believe our "we win or we're out of here" appearance only demonstrated that the NLC cares more about revenues than about its students.

In addition to loosening up student's budgets for the competitions, the NLC may improve the chances of success of future competitors by finding coaches for the teams. Coaches with a background in copyright or entertainment law could truly aid any team. We had a very helpful and encouraging Moot Court Board coach. My partner and I were grateful for his assistance. However, as he was also a student, it was impossible for him to spend a great deal of time with us or to travel to the competition with us in order to coach us during the competition. To have someone able to do this with an NLC team would put the team on equal footing with the other competitors, some of whom had adjunct writing/moot court professors and practicing lawyers to coach the teams throughout the competition.

Last year I wrote some of these suggestions to the Moot Court Board, yet as I never heard from the Board, I do not know if they received or read my suggestions. Just *be forewarned, should you choose to do an interscholastic moot court competition that you may have to cough up more than an argument for your fictitious client!*

MOOT COURT

by Beth Carlson

Are you interested in improving your advocacy skills while exploring an area of law in which you have a particular interest? Participation in an interscholastic moot court competition may be just the thing for you.

Interscholastic competitions are sponsored by law schools across the nation. Each competition focuses on a different area of substantive law. This year, for instance, competition subject matter ranges from sports law to tax, environmental law to securities regulation. In addition, many competitions are held in the spring as well as the fall semester.

Students may receive one credit for participating in an interscholastic moot court competition. Participation is open to all 2Ls and 3Ls (Sorry 1Ls, you'll just have to wait until next year!).

If your curiosity has been piqued and you would like to find out more about participating in one of this year's competitions, informational meetings will be held on Wednesday, October 2nd at 4:15 PM and 7:45 PM in L301.

LAW SCHOOL NEWS

Law School Swim Team Ranks First

By: M. M. Lewis

The law school swim team, the Briefcases, won first place for the third straight year in the GW Intramural Co-Rec Swim Meet this past Wednesday night. Briefcases' members Paul Bieri (captain of the team), Beth Carlson, Maria Carrillo, David Karl, and Eric Welter placed ahead of seven other teams - mostly composed of undergraduates - to maintain their undisputed championship.

This year's event also marked the debut of a second law school swim team, the Sharks. The Sharks placed seventh ("well at least we were not last") in the meet. Adam Gordon, co-captain with Bieri of the Sharks, looks forward to surpassing the team's current ranking next year. Along with Gordon, Kathy Cahill, Steve Larrabee, Melisse Lewis, Suparna Malempati, and Mike Schwartz swam for the Sharks. Vanessa Williamson was cheerleader for the two teams.

Law Students For The Arts Debuts

by Jill Westmoreland

One of the newest student organizations, Law Students for the Arts, made its debut at the NLC recently with its first open meeting. The goals of the group, as stated in its recently approved constitution, are to "initiate contact between the NLC and the local arts community; to keep students abreast of the emerging legal issues in art;" and to organize an Art Law Seminar in the spring.

Second year students Peter Lewit and Ian Friedman developed the idea over the summer. In an effort to encompass the GW University and surrounding community, membership is open to NLC students, faculty, and alumnae, and representatives from the local arts community and from the volunteer organization Washington Area Lawyers for the Arts. As president of the LSFA, Lewit stated: "We wanted to generate interest in seeing the NLC become more integrated into the local community in general, including the arts community."

One of the major projects of the group is to sponsor an Art Law Seminar in the spring which would bring to the campus representatives from the music and recording industry, government and private agencies, gallery owners, artists and agents to discuss legal issues relating to the arts. Some of the topics discussed would be recording contracts, artists' rights to safeguard the integrity of their work after it is sold, and recent censorship controversies. Other projects the group might pursue include displaying GW student art work at the NLC and producing an LSFA newsletter which would print literary and artistic works submitted by NLC students and announce local art events.

The group is admittedly very informal and open to ideas from interested students. The first order of business at its next meeting will be to elect officers and establish committees to address specific issues and projects. The group hopes to start planning the seminar and the newsletter as soon as committees are established, so keep an eye out for upcoming LSFA productions.

Booking for Literacy

Saturday, October 12, 1991

10K Run and fun walk
Rock Creek Park
Washington, D.C.

to benefit
Literacy Volunteers of America
National Capital Area

See Professor Block for details

LAW SCHOOL NEWS

Furniture to Remain Inside

by Dean Jenkins

The University Police have recently reported that they apprehended two suspects taking furniture from the Quad behind the Law Center. The individuals involved said that they "found" the furniture - chairs from the Stockton student lounge - on the walkway near Stockton Hall. Additionally, there have been two tables which were left on the Stockton patio which were damaged by the heavy rain. The tables were so severely damaged that they were rendered useless.

These two events point out a problem that all of need to address. As a routine matter, furniture should not be removed from the Stockton student lounge and taken to the patio. There are, of course, occasions when student organizations hold functions on the patio and need tables and chairs from the lounge for the function. The furniture should be returned to the lounge when the function is over.

Please do not move furniture to the patio as a routine matter. If it is appropriate to use furniture from the student lounge for a reception on the patio, please return it to the lounge when the function is over.

SBA/RSL Conflict To End?

By Marc Dinardo

Over the last two years there has been a running conflict between the Student Bar Association and the Republican Student Lawyers. The controversy began in the spring term of 1989, when the RSL went to the SBA for recognition. After being refused recognition, the battle went as far the RSL going to the administration and the American Civil Liberties Union and threatening suit. It was determined that the SBA could not bar the RSL from using school facilities. In April of 1989, the RSL received SBA recognition. However, the SBA concurrently passed legislation to bar funding of partisan or political groups. But in spring of 1990, the SBA passed a resolution to delete the previous legislation that barred funding.

Presently, the RSL has submitted a proposal to the SBA and is awaiting the results. Brad Gordon, vice-president of the SBA, stated that each proposal was viewed on a case by case basis. Martin Schultz, president of the RSL, stated that their group has over eighty members and is involved in various activities. When asked if he was satisfied that the conflict appears to be at an end, Schultz said, "If we get fifty dollars, then I won't be satisfied." The proposal will be decided on Tuesday.

Library T-Shirt

By Chris Langello

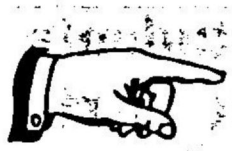
This year's Jacob Burns Law Library tee shirt has international appeal. The 1991 tee shirt, one of an annual series, has the words "Law Library" embroidered across the front. What makes these words interesting is that they are repeated in the native languages of each the library staff.

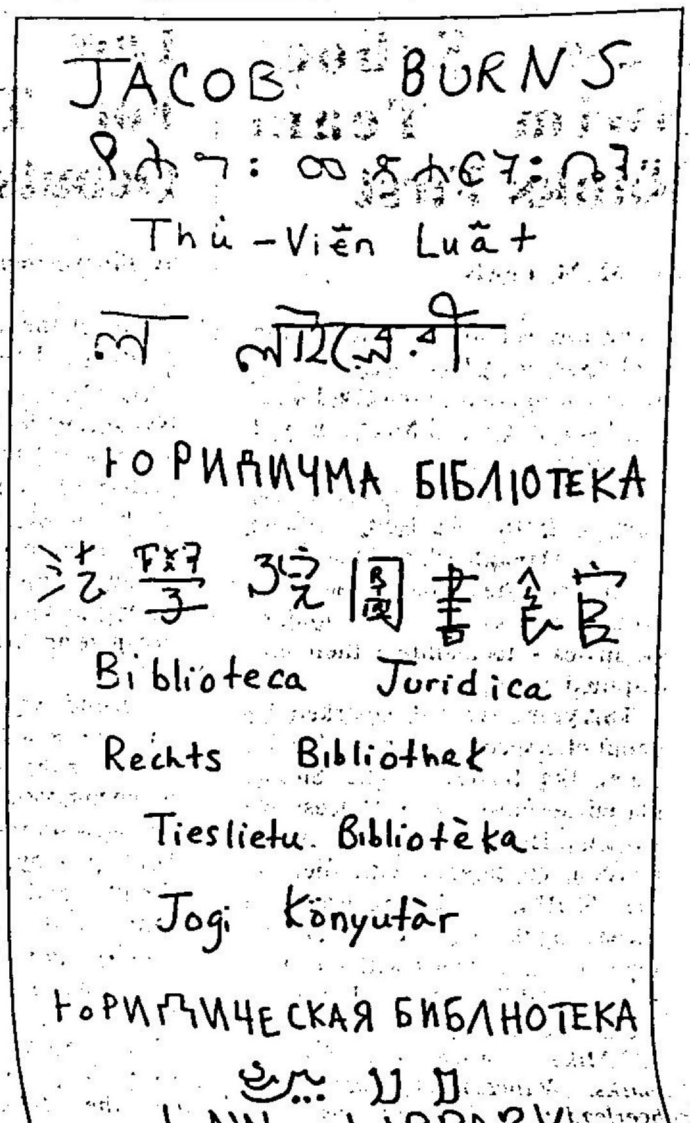
The country of each language, as they appear from top to bottom, are Ethiopia, Vietnam, Bangladesh, Ukraine, Taiwan, Brazil, Germany, Latvia, Hungary, Russia and Iran. Many of the languages are the native tongue of more than one librarian.

This year's tee shirt was designed by Kim Taylor, a library assistant. Ms. Taylor has worked at the Jacob Burns Law Library for three years and is no stranger to designing its tee shirts. She also designed the tee shirt of 1989, which lists ten popular questions asked of librarians.

Ms. Taylor works at both the Jacob Burns Law Library and the Governments Contracts Library. In addition, she is a student at the Program Systems Institute where *she studies computer programming.*

Many of the Jacob Burns Law Library tee shirts are currently on display on the first floor of the library's main lobby, next to the guard station. The 1991 logo is featured next to this article.





LAW SCHOOL NEWS

SIPLA News

By Walter Hanchuk

Upcoming SIPLA Meetings

SIPLA's third meeting of the year, which is being cosponsored by the GW International Law Society (ILS), will be held this Wednesday, October 2, 1991 at 8PM in L201 featuring Dr. Koichi Ono. Dr. Ono will address the National Law Center on patent trade issues, including the Uruguay Round of the General Agreement on Tariff and Trade (GATT) and "first to file". Dr.Ono is in Washington October 1-4, 1991, following a visit to several European countries and on his way to Wilmington, New York and San Francisco, all as leader of a delegation of the Chizaiken. Chizaiken, loosely translated as the "Institute for Intellectual Property", is a Japanese think tank headed by the former Commissioner of the Japanese Patent Office, the Hon. Toyomaru Yoshida. Dr. Ono, the former Director of the Patent Department of a Kyowa Hakko, a leading Tokyo-based pharmaceutical concern, has been deeply involved in negotiations in Brussels and Geneva concerning the Uruguay Round of the GATT and patent harmonization efforts under the United Nations' World Intellectual Property Organization. After his speech, Dr. Ono will be pleased to answer questions about how a consensus is built in legislative and treaty negotiations among Japanese industry, government and academia from his first hand perspective. Dr. Ono will also be able to present a rather unique perspective of the Japanese legal profession's view of the American legal profession.

SIPLA's fourth meeting will be held on Monday, October 28, 1991 at 8PM in LL101. At this meeting, Douglas B. Henderson will give a brief address to SIPLA on Japanese-U.S. patent relations, and then introduce a delegation visiting the United States under the authority of the Supreme Court of Japan that includes: the Honorable Yoshiaki Nishida, Judge, Tokyo High Court; the Honorable Hiroyuki Nakayama, Judge, Fukuoka High Court; and the Honorable Yoshinori Ishikawa, Chief Judge, Trial Division, Tokyo District Court. Mr. Henderson is one of the most prominent alumni of the National Law Center, and the senior partner of the Washington, D.C. based intellectual property law firm of Finnegan, Henderson, Farabow, Garrett & Dunner. Mr. Henderson's most recent contact with students at the National Law Center was his presentation on June 14, 1991, of the prestigious Marcus B. Finnegan Prize, named in honor of the late co-founding partner of his firm.

1991 SIPLA Resume Digest

The 1991 SIPLA Resume Digest has been mailed to 75 IP firms across the country. A list of these firms will be available at the next SIPLA meeting. Many thanks to Paul Richter (SIPLA's VP) and Steve Pang (SIPLA's Secretary) for getting this year's book together and mailed-out earlier than any previous SIPLA Resume Digest. Stay tuned for upcoming SIPLA announcements re: the 1991 SIPLA Resume Digest for first year law students (to be mailed in late December).

AIPLA News

Information regarding the upcoming AIPLA annual meeting and AIPLA membership forms will be available at the next SIPLA meeting.

SIPLA looks forward to seeing everyone at its upcoming meetings.

COMMENTARY

Loans to Israel

by Khaled Rabbani

During the past several weeks, the world has witnessed tension in U.S.-Israeli relations such as has not been seen since the 1956 Suez Crisis. The subject of this dispute is President Bush's refusal to underwrite $10 billion in loan guarantees to Israel prior to the convening of the Middle East peace conference.

Israel and its supporters, who previously succeeded in severely restricting Soviet Jewish immigration to the U.S., maintain that the U.S. has a moral obligation to finance Israel's re-settlement of Soviet and Ethiopian immigrants. One Israeli cabinet minister, Rehavam Zeevi of the extreme right-wing Moledet Party has called Bush "a liar and an anti-semite" for vowing to delay the loan guarantees, and two weeks ago, James Baker's motorcade was pelted with tomatoes by angry Israeli demonstrators.

Other Israeli officials, such as Prime Minister Shamir and Housing Minister Sharon, concur that *the U.S. has a moral duty to help Israel settle the estimated one million Jews arriving in Israel in the next few years. In their view, the U.S. has no right to link its financial largesse to Israel's settlement of* immigrant Jews in the Occupied West Bank and Gaza Strip.

Yet, not only is Israel's settlement policy a flagrant violation of international law (in violation of Article 49 of the Fourth Geneva Convention, which prohibits the occupying power from transferring parts of its own civilian population into the territory it occupies), but it effectively torpedoes the precarious Middle East peace process, and secures the displacement of the indigenous Palestinian population.

So does the United States have a moral obligation towards Israel? The following moving passages (translated from the Dutch) were recently published in a Dutch magazine by a respected journalist and anti-apartheid activist, Dr. Karel Roskamp, who recently returned from Israel and the Occupied Territories.

In 1978, the Israelis spoke of a "benevolent" occupation. There is nothing left of that claim. The Israeli soldiers are e v e r y - where...behind barbed-wire, behind their machine guns. They are on red alert, yet at the same time indifferent to the humanity around them. Palestinians are uprooted, pestered away from their land, while Russian immigrants are helped along their way [to that same land]. *The life of a Palestinian is made difficult in every possible way, and they [the Palestinians] are treated as unwanted strangers. At nights, the Israelis raid Arab homes. The jails are overcrowded with political prisoners, and torture has become the rule rather than the exception, a notion which was r e - cently confirmed by Amnesty International.*

Israeli policy and practice in Gaza and the West Bank go further than merely violating human rights; Israeli policy adversely affects every element of life for Palestinians living in the Occupied Territories. To name but a few examples: all Palestinians in the Occupied Territories are required to carry identity cards, which contain a wealth of personal information, including father's name, grandfather's name, marital status and religion. Identity cards are in Hebrew, not Arabic (despite the fact that only a minority of Palestinians living within the Occupied Territories speak Hebrew. Distinct ID cards are given to "suspected activists," who number in the thousands. Gaza Strip residents wishing to enter Israel or the West Bank must additionally obtain special magnetized identity cards, which are not given to "suspected activists."

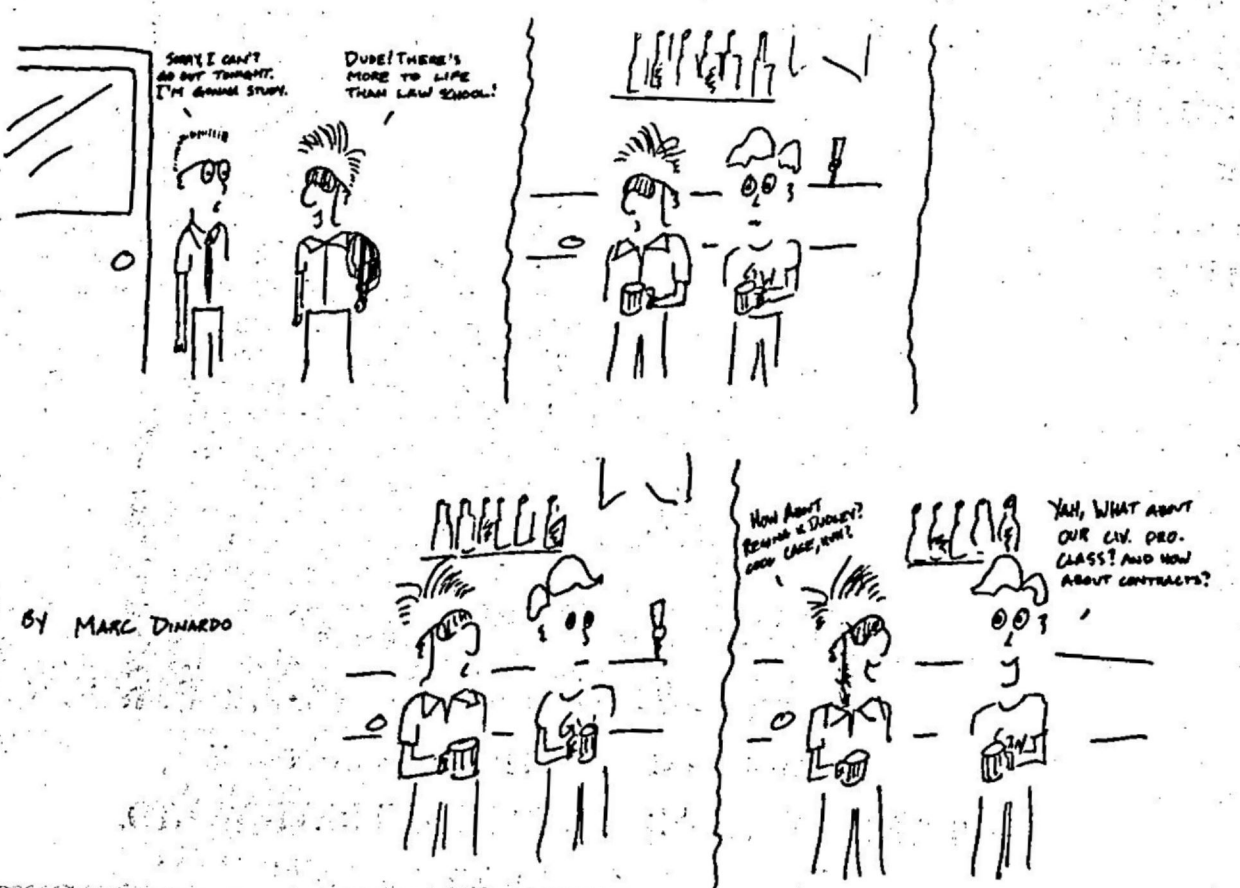
Another example: "Al-Haq," the West Bank affiliate of the International Commission of Jurists, has documented numerous cases of detentions due to forms of strictly non-violent political expression; in *several cases, the Palestinians were guilty of wearing colors of the Palestinian flag.*

Another example: in the Occupied Territories, the primary form of legislation is by military decree. These decrees are not necessarily published.

The Israeli settler community in the Occupied Territories--which is drawing increasingly larger numbers of Russian immigrants--now constitutes about 15% of the population in the West Bank. Yet, it is that community which uses a disproportionate percentage of the water--the Palestinians receive 20% of the lowest quality water; it is that community which has the exclusive right to possess and carry arms; it is that community which travels on separate highways which only go through "safe" territory--that is, territory occupied by Israeli settlers; it is that community which has the privilege of driving through Israeli checkpoints without being harassed (settlers' cars have distinct yellow license plates, special ID cards, and use separate lanes at checkpoints); and it that community which lives upon lands declared "state lands" or "absentee land"--in spite of the fact that the documents of legal title are often in the hands of Palestinians who now have the privilege of living in refugee camps.

The question arises: does the U.S. have a "moral obligation" to further Israel's agenda of incorporating the Occupied Territories? Certainly not. Furthermore, even if Israel is granted the guarantee on the basis *that no monies will be spent in the Occupied Territories, it would still free Israel's own funds, effectively allowing it to proceed with its settlement policies in the West Bank* and Gaza.

go to page 12



COMMENTARY

A.A.

by Garmon Newsom II

Due to the current and sometimes quite excited debate surrounding affirmative action, and the wrongful blaming of affirmative action for the very things it was intended to remedy, I wrote this article. It is not an attempt to express the position of all African-Americans or African-Americans in the National Law Center. Instead this reflects my perspective of affirmative action.

First, it is unfortunate and inappropriate that affirmative action is being blamed for present racism, possibly sexism, and the divided nature of this nation. Obviously, it has been forgotten that affirmative action is a response to those very things that critics, including R & R, claim that it now fosters.

These problems still plague all of us, African-Americans, Whites, women, and other minorities. If racism, sexism, and discrimination were not so well entrenched, and repeatedly re-enforced in the United States, the need for affirmative action would not exist.

The 1991 Directory of Employers issued to NLC students provides *an example of the continuing need for affirmative action. In evaluating the Directory one will notice the numerous firms which have at best a few, but generally no minority employees.*

This demonstrates just how little progress, even with affirmative action, that African-Americans in particular and other minority groups have enjoyed in the legal profession. It is not much at all. Most of the listed firms have few if any minorities and I am not convinced that this is because no minorities are qualified or that none have sought employment with these firms.

A lot of people, in particular firms and law students are big into numbers; GPA's, LSAT scores, etc. It is difficult to see how many, though not all, minorities are suppose to compete by the numbers, when the schools, the texts, and the teachers, in general, simply are not as modern, up-to-date, or qualified as those in most suburban and affluent schools districts.

With this in mind, it can be understood why "the numbers" favor the suburban and affluent school students. The best solution for this is to support the upgrading of this usually urban or rural schools. There are some other very significant factors which need to be addressed but not at this time. Simply stated, comparison and employment based solely on numbers is not reasonable; thus affirmative action.

Like many critics, I do not care for affirmative action. However, unlike those critics and soon-to-be Associate Justice Clarence Thomas, I recognize that this country still needs affirmative action. The conditions which were its impetus have not changed.

It can not be honestly argued that without affirmative action, African-Americans and other minorities would be hired on the basis of merit rather than refused employment based on their skin color, their gender, or both. Affirmative action provides talented and skilled people the opportunity to gain employment for which they would not be otherwise be considered. Affirmative action is not preferential treatment, rather, an affirmative effort by employers to find and employ people who in the past were "locked-out" of the system and who many times continue to be "locked-out" today.

Even when someone claims that he (he because it is usually a white male) has been deprived of employment due to affirmative action, the very accusation itself is laced with racism. Assume that 100 positions must be filled. Why does a rejected applicant challenge the 10 positions filled by minorities rather than all 100 positions? Why is it only asserted *that one or more of the minority hires was not as qualified as the rejected applicant?*

It appears that there is some sort of subconscious superiority complex. How else can it continually be asserted that the 3 African-American applicants, or 7 other minorities, were not as qualified as the rejected applicant, but few such claims are asserted regarding the other 90 hires.

It is unfortunate that the rejected applicant feels that they are being slighted by the "system," but the stark reality is that some groups have felt the same way for quite a while. Entire races, and an entire gender historically and presently have not been hired due to preferential treatment which favors white men.

I have nothing against white men, but it seems to me that a rejected applicant, of any color, race or gender, if qualified, would want to claim that at least one of the 90 positions should have been their's rather asserting a claim to one of the far fewer 10 positions which went to a minority.

Finally, even if affirmative action was "ditched," those awful "quotas" of 0 minorities, 1 minority, 2 minorities, or even 3 minorities which exist in most professions now would still exist afterwards. The most important factors; human character, respect for others, and a belief that all people are created equal, unfortunately have not changed very much over time to warrant an affirmative actionless America.

Binding Authority

by Matt Glomb

Here's an idea, albeit a very old one, whose time is come:
Let's simplify the precedent system, gathering unwavering law, wisdom immune to faddish trend, and publish it in a single volume. We'd print it in the King's English for the "purists", modern English for the rest of us, and perhaps even a colloquial slang for the California mall crowd. We'd send it worldwide in hundreds of languages. And you'd find it in 9 out of 10 *American homes, many families would get together weekly to talk* about it.

Sounds too good to be true? Not really, you see it's already been done. The book I have in mind is the Bible.

No, I don't buy the separation of church and state cliche; do you? Sure the Puritans had financial backing from capitalists out to exploit the New World; but the financiers left the Pilgrims to die the first winter, their God did not. Indeed, France was eager to see the Colonials' insurrection injure the British Empire, but though the horse be readied for battle, victory rests with the Lord (Proverbs 21:31).

Okay, one can put virtually any spin on history, but riddle me this: On what instrument does the incoming Chief Executive place his hand when inaugurated, sworn in by the Chief Justice? And on what instrument are witnesses similarly sworn in as the American jurisprudence system pursues the whole truth and nothing but the truth? If you concede "tradition", I submit it's a damn good one.

The whole law could rest on two simple requirements: Love the Lord with one's heart, soul, strength and mind; then love one's neighbor as one's self (Luke 10:27, Deuteronomy 6:5, Leviticus 19:18). Following those statutes ought to cut the justice system's case load by about 99 percent.

One advantage to considering the Bible as ultimately binding authority is that the Author provided extensive opinions and dicta. His life and words clearly indicating the legislative intent behind righteous rulings. (In some texts His words even come already highlighted in red ink!)

Between Contracts, Criminal Law, and a fair chunk of Torts, one is exposed to a pervasive seediness in human conduct. A scan through the newspaper or half hour viewing the news completes the picture. As a society we've strayed from the Maker's blueprint for society -- and we're paying the price as the cancer of sin spreads.

Something needs to be done. I submit that fact is not in dispute; the issue is whether we'll take a big step now, or a series of little steps, eventually. C. S. LEWIS, in THE SCREWTAPE LETTERS, assures the surest path to hell is the gradual slope. Perhaps a giant step backwards is the most progressive/advantageous route? Shall we return then to fundamentals? I say we are quite overdue.

Consider Regina v. Dudley and Stephens, as great minds met to discuss how to deal with starving sailors driven to cannibalism -- neither a pleasant nor easy situation. About the best thing they came up with was to cite to the Great Example, proponent of SELF sacrifice!

Meanwhile, back in the "colonies" when the great minds ran out (and run out) of applicable law or conventional wisdom, they grope for quotes from giants in the field: The likes of Oliver W. Holmes, Learned Hand, Corbin, and a half dozen others who would have had no trouble making the GWU Law Review. But why not Solomon? There's a man with such a wise and discerning heart that there's never been and will never be another like him (1 Kings 3:12).

The administering of justice is controversial endeavor, but He who fashioned Wisdom has some clear objectives in mind. Since co-publishing the Restatement of Law (Second) with Moses -- you may recall the First Restatement was lost in the razing of the Golden Calf Social Club (Exodus 32:19) -- the Creator has been keenly interested in providing instruction to not only the juries, but the judges, too.

All we need do is listen, or in the case at bench, simply to read. It's all in there: Concrete issues ranging from Civil Codes to Criminal Procedure. A well-lit path through the otherwise abstract issues of sentencing and punishment, and deterrence.

go to page 13

COMMENTARY

Watch Your Language

by Phill Staub

It drives me crazy. Here we are, not only in law school -- where we are taught "how to think" -- but also in our nation's capital -- where law and policy are theoretically crafted after careful consideration of the merits of all sides -- and yet our tongues are captured by pat one-liners and tortured terms that replace the challenging task of reasoning something out, and provide a hiding place for the logically unsound.

Lest you think I'm about to launch an attack on the conservatives among us (who, me?) let me quickly point out that conservatives aren't the only ones. Try, "It's a black thing, you wouldn't understand." Ooh, that makes me mad.

If the goal of our freedom-loving society is to remove race as an issue, then we're going to need a large measure of understanding. How does the equivalent to "sorry, private joke, your loss" promote understanding? Have the users of this catchy line ever thought about what it means? Or what reaction it elicits?

Of course I don't understand something I haven't experienced. That's the whole damn problem isn't it? For that matter, you don't understand me!

That's it! I've got a new one: "It's a me thing, you wouldn't understand." So there!

Okay Phillsy, chill out.

Time to move on.

Or is it a time warp? I cannot believe it's true, but I still hear, "If you don't like it, leave the country."

Once again, the user of the line must not have paused even a second to think about what it means, which is, essentially, "down with dissention." So why not just take a more positive approach: "Up with dictatorship." Or maybe, "I'm with Hitler." Very patriotic indeed.

PHILLER

Or how about the NRA's mantra, "Guns don't kill people, people kill people."

I'd like to take just a few of these idiots and plant them in from of a firing squad; make that a pissed-off, trigger-happy, slippery-fingered firing squad. After 'READY, AIM, ..." I'd ask the NRAers if they would be any happier if their would-be killers were pointing Ben and Jerry's Peace Pops at them.

And the best part? They would have to say "No, no, put that ice-cream away, and give those kind gentlemen their machine guns. After all, it's not the guns that will kill me."

Maybe I'm expecting too much. These are the same people, mind you, who quote the second amendment on the outside of their national headquarters (which is, should I say it?, within shooting distance from the White House). Missing, however, are those first few words, "A well regulated militia, being necessary to the security of a free State . . ." Oops!

Then there's the grand-daddy one-liner of them all: "Politically Correct." Why argue the cons of affirmative action with your more liberal friend when all you need do is say that she's being too politically correct. Awe in its power: "Oh, that's P.C. now? I didn't know. Forget whatever I was saying," your red-faced friend will respond.

It's genius lies in a two-pronged attack. First, it labels the targeted concept as "liberal." God forbid. Second, it implies that the person expressing the concept is only doing so because it is catchy or popular in those liberal circles. That way "politically correct" reduces the opposition to a liberal flunky, then knocks the opposition out -- with nothing more than a conservative flunky's words. Thus the end result: an *illogical "in your face."*

So in one group are these little phrases that are easy to blurt out, but don't mean what the speaker wants to say, or don't mean anything at all. Right next door is the corruption of our language accomplished by either hiding what is trying to be said, or twisting the words in knots until they sound like something every reasonable person must agree with. I give you these:

* People don't lie anymore, they: (1) mis-speak; (2) commit a falsehood, misrepresentation, or untruth; or (3) prevaricate.

* Got a cause? Call it pro-something, then it must be good. Say, in some opinions, you urge killing the unborn -- call it pro-choice. Or perhaps, in some opinions, you urge the stripping of basic freedoms and the abuse of women -- call it pro-life.

Maybe these tactics are good for the Madison Avenue crowd, but what place do they have at law school, or in law, or in any place where reasoning supposedly rules the day?

What am I going to do about it? Two things. First, I'm going to trust the people who delight in facile little phrases about as much as someone who says "read my lips."

Second, I'm swearing off these short-cuts, these brain-dead phrases. I'm going to say what I mean, and mean what I say. Now wait a minute, that's pretty catchy. Maybe I'll have it put on a t-shirt.

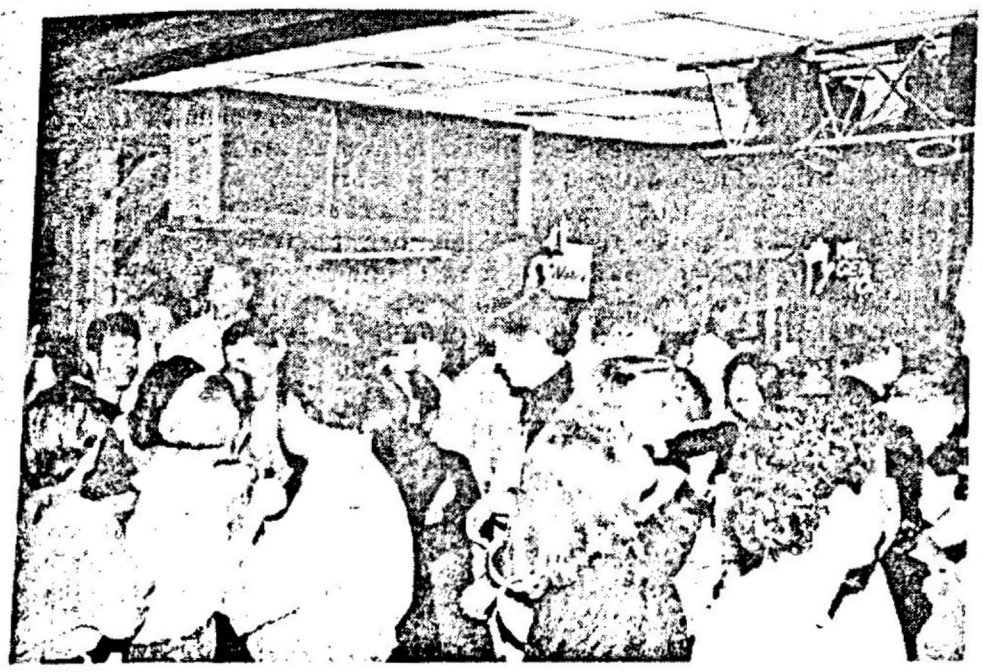
Authority, Cont'd

When only we learn to apply what God left us to read, we may find a degree of heaven here on earth. And wouldn't be great to wrap up your judicial career with something more valuable than a diploma, gold watch, and fistful of money -- the Master's welcome to a good and faithful servant (Matthew 25:21,23).

Israel, Cont'd

Not only is President Bush correct in delaying the loan guarantees, but, in fact, he should insist that not a penny will be guaranteed until, at the very least, Israel makes a commitment to withdraw from the Occupied Territories. If he does not do so, the proposed peace process will be just as ineffective as past peace processes, necessarily resulting in failure and leading to renewed conflict.

BAR REVIEW



KEGS ON THE QUAD

COMMENTARY

Judge Bridlegoose's Reporter 3 J.B.R. 2

by Chuck Cosson

(Background for the uniformed reader: This summer, local television advertising featured an advertisement for a local auto dealer, (Ourisman) which presented several "satisfied customers," ordinary people from the D.C. area. Close observers of the ad would have noted that one of these "satisfied customers" was none other than the NLC's own Assistant Dean and Director of the Legal Writing program, Nancy Schultz. NLC community responses to this impromptu bit of non-Banzhaf celebrity have ranged from "Huh?" to "What some people won't do to get 20% off the sticker price.)

"Lies. Someone must have been telling lies about Nancy S. After all, what else could explain the early morning knock on the door, the two ruffians from the car dealership, the taped confession of satisfaction with her purchase.

In Washington, D.C., a mercenary village where paranoia is as normal as breathing (and hence, no one breathes normally), it would come as no surprise that someone would threaten her with blackmail. Where the moral pundits, secure in their boring existences, tut-tut to no one in particular, and cast knowing glances about a roomful of mirrors, it surprised none of us to learn that false accusations were being wielded like a scythe, indifferent to what they severed, as long as it was something.

The false threat of impropriety is worse than an actual impropriety, since the only honorable thing to do is confess, but to confess is to continue the lies. When one is falsely accused, and not told of the nature of their crime - they are to confess, sure, but to what?

No one told Nancy S. what it was she had done - so to confess would be to lie; therefore to confess would be to immerse her more deeply in the muck that spontaneously appeared around her that morning. But, seeing no way out, and as she was cynical from numerous cases of ersatz whiplash handled in another life as a staff attorney with a chain of hotel/law firms, and that particular hotel/law firm experienced at warm, reassuring television advertisements, Nancy S. had no choice but to go along with the system.

The power of the car dealership could not be ignored; television, like Lenin, had succeeded in permeating every core of our existence and could only be destroyed by rending the fabric of the world wide open and destroying everything else along with it. She would tape the commercial. Resigned to the ironic condition of being a false creation of someone's imagination intended to exemplify the "real," the honest in humanity, she stated with implacably casual certainty that she was indeed, a "satisfied customer." It started with lies, and it would end with lies. So it goes."

So writes the novelist Franz "Mr. Happy" Kafka in his little known work, The Ourisman Commercial. On his deathbed, Kafka begged his close friend, Max Brod, to destroy The Ourisman Commercial, along with all of Kafka's other work. Brod agreed and Kafka passed on, but fortunately for us Brod could not bring himself to honor his promise, and this great work was preserved for posterity.

The text was discovered by our resident archaeologist, Professor Jim Starrs, in his own faculty office. *The pages of Kafka's work were folded and stashed away between the pages of a dusty volume entitled How to Teach Law Clearly and Understandably, which had lain unread on Prof. Starrs' shelf for decades.*

The significance of this discovery is, like a pressing bowel movement, not to be ignored. Kafka's foresight in detailing the travails of the blackmailing of Dean Schultz becomes all the more incredulous when one considers that Kafka wrote The Ourisman Commercial years ago, crouched over a rickety desk, working by hesitant candlelight.

Over time and distance, from Prague to the capital of the United States of America, fiction is no stranger than truth, and truth no stranger than fiction, as the fiction has become truth. Seeking to extrapolate by the process of pure legal logic from this strange coincidence, one might come across even more startling truths.

If in fact, Kafka's long-lost story, discovered in Prof. Starrs' office, is genuine, and Dean Schultz was in fact blackmailed by an unknown, but powerful, underground organization, does it not inexorably follow that Prof. Starrs' office is not a faculty office at all, but in fact a gateway to another dimension? -- a dimension so strange, so weird, so impenetrably mysterious that any human mind that attempts to comprehend its nature becomes afflicted with a degenerative state of confusion until one day, they are unable to tie their shoes without immediately being distracted by wondering who invented bread, whether people will think they look Slavic if they grow a goatee, whether or not Gabe Kaplan was in fact Yeshua, the Great Messiah, whether or not elephants really could fly if they just flapped their ears, and ponder, ponder for hours on end, the injustice in the fact that Clarence Thomas, and not Delta Burke (the obvious choice), was nominated to the Supreme Court?

The validity of this conclusion can be demonstrated by a device known as the syllogism (a Greek word which means, "If you don't believe me, I'll peel off your fingernails until you do.")
The syllogism just described is as follows:

*Major Premise: All particular weird things can be explained by even weirder general theories.

*Minor Premise: The Ourisman Commercial was written by Franz Kafka nearly 80 years before the events it describes actually occurred.

*Minor Premise: That's weird. (Sub-Minor Premise: I really shouldn't have had that 7th beer.)

**Minor Premise: A gateway to another dimension is a weird general theory*

*Valid Conclusion: There is a strange gateway to another dimension in Prof. Starrs' office.

Note how the conclusion validly follows from the premises by a rule of logic known as *modus pones*. A Greek word that means "Because I said so!". Yes, Kafka's the Ourisman Commercial and other confusions can only be the result of exposure to the strange twisted existence of a gateway to another dimension, the gateway to which lies hidden in Professor Starrs' office.

It would explain, for example, the subtle shrinking of the law school. At first, I didn't notice it either, but now that I have attended classes in the same building for two years, I've noticed that the hallways and stairways are just a little more crowded, the books are squeezed tighter onto the shelves, and even the coveted faculty offices are constantly being shuffled around in order to compensate for the gradual shrinking of the law school.

Before too long, Professor Peroni, like Papillon, will continue to pace endlessly back and forth, but after having been reduced to spending his entire existence in a 5' by 5' office, will fall flat on his face after taking more than the allotted steps in one direction, when he escapes by crawling through Professor Nolan's window on to Professor Zubrow's porch. One has to only note that Prof. Turley is already nearly walled in with paper to conclude that by the year 2000, the NLC will only admit students who are no taller than Gary Coleman.

The inter-dimensional gateway would help explain the stoop-shouldered stature of our Dean. At Stanford, J.F. stood a robust 6'4", but as the NLC continues to shrink, his posture has deteriorated into a tired slouch, which can only mean that the Dean's spine is shrinking along with the school.

The elevators, the message folders, student activities office, student lounge space, the change capacity of the soda machines, Professor Chandler (hence, the suspenders to hold up outsized pants), the library stairways, everything is shrinking. All because of the vortex of light, energy, time, and half-eaten egg salad sandwiches that lies hidden in Starrs' office.

I won't comment on whether or not this vortex has affected Professor Starrs himself, but instead defer to his student evaluations and allow you to draw your own conclusions. The more important questions - what you've all been wondering (trust me, I know you've been wondering as you read this column) are 1) "will this vortex thing help me get a job," and 2) "what does 'Little Franzie Sunshine' Kafka have to say about it?" The answers, as you might expect, are a straightforward 1) "No, unless you're in the top 15% you're beyond help," and 2) "Not much, but let's fake it (after all he's dead anyway)."

The reasons for these answers, as you might not expect are: 1) Now that the enormous fee-generating Gordon Gekko's of the world are either hiding out in Madagascar or doing the Papillon routine somewhere in Kansas, employment in the American justice system will be governed by one basic principle alone: Vortex, or no vortex, we're going to be willy-nilly paranoid about hiring anyone who hasn't been studying law since at least age three. 2) As long as Billy Rehnquist (Supreme Court pledge name: "The Anti-Christ") sits on the bench, and since Justice William Brennan (Supreme Court pledge name: "Wiiiiilburrrr") and Justice Marshall (Supreme Court pledge name: "Venus Flytrap") have retired, all wise and insightful writings on the law will either come from the "SoHo" gang of the NLC faculty, or the back of a cereal box. Franz "Doris Day" Kafka, therefore, won't say any-

go to page 17

COMMENTARY

J.B.R., Cont'd

thing enlightening about our legal careers. But, as I noted before, wouldn't it be fun if he did?

If you, dear reader, are yet again confused, perhaps reference to another syllogism (Thomas Aquinas' Latin word for "Don't bogart that incense, pass it over to the dude in the pointy red hat") will help clarify matters. The argument is as follows:

*Major Premise: William Rehnquist is the source of all evil

*Minor Premise: The fact that reasonable employment is hard to find is evil

*Minor Premise: Now that those opposed to Rehnquist have retired, he's running amok.

*Minor Premise: Since Kafka once got a free souvenir copy of See Ohio on $5 a Day from the U.S. government (Box 1000, Pueblo, CO), the holding of Rust v. Sullivan allows the government to condition the use of that government benefit, and ban those of Kafka's writings that it doesn't like. (Sub-minor premise: Art Arthur and Sky Woodward: "Hey, Chuck, let's do Tequila funnels!")

*Valid Conclusion: Pursuant to the holdings of the Rehnquist Court, the government has banned Kafka's commentary on weird theories like gateways to other dimensions in law faculty offices.

*Valid Conclusion: As long as Rehnquist is Chief Justice, employment will be hard to find unless you're job-hunting in obscure towns in Indiana).

So, we might as well learn while we can from a brilliant, but unemotional and lonely Jewish man, locked up in a room lost in his own thoughts. (Silly, I meant "Dr. Feelgood" Kafka, not a law professor). That is, of course, until we find out what will come from last year's winner of the "Gee, Don't Kennedy and Biden Look Stupid" award, Justice David Souter (Supreme Court pledge name: "Trixie").

Also keep an eye on this year's mystery guest on the "What's My Ideology?" game show, Clarence Thomas. (If confirmed, rumor has it that 5 of the sitting justices would like Mr. Thomas to carry the sobriquet "Bong Water," while the remaining liberals would prefer the Supreme Court pledge name: "George McGovern." Justice Scalia (Supreme Court pledge name: "Vito Libido") would favor Thomas carrying the Supreme Court pledge name: "Confirmation Cookie Puss.") In the meantime, we might as well look for nuggets of wisdom about this egg-salad/vortex/other dimension/Tequila/Kafka/NancyS.thing elsewhere.

Go to page 17

"It was a dark and stormy night on the wine-dark sea. As Rocinante made her way slowly down the Mississippi she exclaimed 'Is this a dagger I see before me?' 'And yes, and yes and yes and yes and yes,' answered Pip." So writes Franz "Captain Trips" Kafka in February 1914.

During that February, it was also reported that a mysterious rain of blue examination booklets fell from the sky onto a nearby Prague stairway. Since Albert Hoffmann didn't discover LSD for another 30 years, the only plausible explanation for those mysterious reports, and Franz "Sunshine Daydream" Kafka's literary confusion, is that some inter-dimensional phenomenon was occurring. Not having personal experience with mind-altering drugs nor Professor Starrs' office, I can only conclude that these two events in Prague were connected, and that Kafka was, through an inter-dimensional vortex, clued in to the affairs of the National Law Center, and thus inspired to pen the tragic, yet enlightening Ourisman Commercial.

There's only one thing wrong with this thesis, though. I leave you to work out your own syllogisms to explain this mysterious question: If in fact Kafka knew of Dean Schultz's television appearance, and Professor Starrs' egg-salad interdimensional vortex links Prague and the National Law Center, where has Gabe Kaplan been all these years?

STUDENT GOVERNMENT

Getting Down to Business

by Carlos Nalda
SBA President

Fall is upon us and we're finally getting into the swing of things (it wasn't a nightmare, you're still in law school). The SBA is no exception. After surviving 1L Orientation, barbecues, bar reviews and a few kegs on the quad, the SBA is getting down to business.

1L ELECTIONS

Elections for first year representative positions were held last week, again with a tinge of controversy. A by-law requires that the election be held on the last Wednesday in September which is fine for the Day Division, but more difficult for a night section which doesn't meet on Wednesdays (the by-law is being reviewed by the Constitution Committee).

Rather than completely disenfranchising the 1L night section, balloting was done on Thursday evening (a second vote was taken on Friday to ensure *maximum participation). The candidates were personally consulted and the students cast their ballots, thus the election results are beyond question.*

My thanks go to all the candidates for their efforts and continued interest in the activities of the SBA. My congratulations go to the new 1L representatives:

Section 11- Eliot Hoff
Section 12- Tracy DuPree
Section 13- Ben Larkin
Section 14- Lisa Miller
Section 20- Allison Hoppert

BUDGETS

The SBA Board will consider Finance Board recommendations regarding student group funding on Tuesday, Oct. 1 (tomorrow) at 8:30. As usual, the meeting is open to all interested students.

By far, this year's budget process was the most comprehensive and objective ever. The task was a difficult one and their job is not yet finished. The Finance Board will hear funding appeals after the SBA Board takes action on the actual funding determinations. There will be a heavy burden against revision because the SBA Board has final review of all funding allocations.

PRIMARY SOURCE

ABA/LSD

This year the SBA is stressing professional involvement through membership in the American Bar Association/ Law Student Division. There is an expansive world of professional activities occurring outside the walls of the NLC and the ABA is a fantastic way to access its resources. Keep your eyes open for the official ABA/LSD membership drive to be commenced in the coming weeks.

OTHER PROJECTS
On the drawing board are:

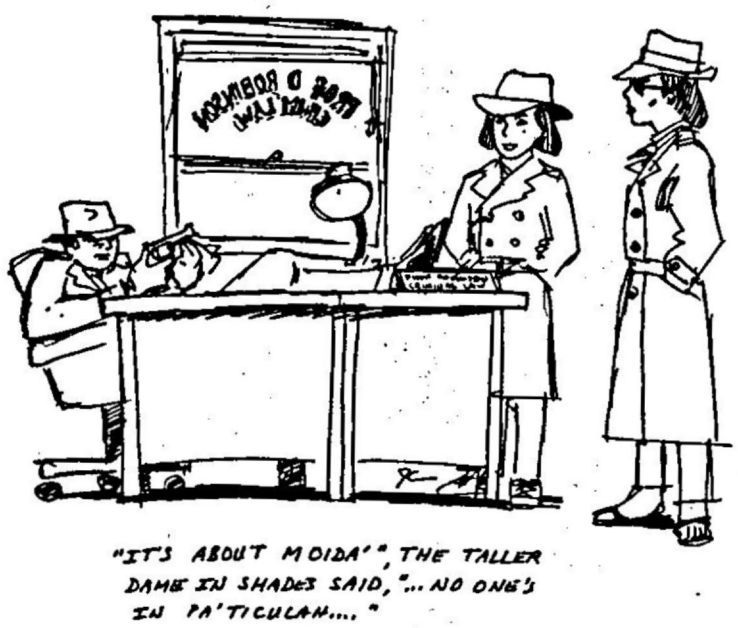
SOFTBALL TOURNEY- Planned for mid-October, we're developing an all-NLC softball tournament on the Mall. Anyone interested in forming a team and/or helping out contact Amer Syed (2L).

BLOOD DRIVE- Keeping with the Halloween spirit (and the dire need of area hospitals), the Red Cross will be coming to the NLC on Tuesday, October 29. I hope that you will come out to give a pint, but anyone also interested in giving us a hand can contact Jon Kopp (2L).

HALLOWEEN PARTY- The 31st is Thursday night so instead of bar review, the SBA is sponsoring its annual masquerade bash. It's currently in the formative stages (especially as to location) so anyone with ideas and or suggestions should contact Luke Brown (3L).

BLOOD DRIVE

The SBA will sponsor a blood drive on October 29, 1991, from 10 a.m. to 4 p.m. in the student lounge of the National Law Center. Students are encouraged to donate blood or time. If you choose to volunteer your time, please leave a message with Jon Kopp in his box or at 659-1572.



"IT'S ABOUT MOIDA'", THE TALLER DAME IN SHADES SAID, "... NO ONE'S IN PA'TICULAR...."

STUDENT GOVERNMENT

"Community"

Brad Gordon, SBA Vice President

I spent the weekend of September 20 and 21 at the Lansdowne Resort & Conference Center in Leesburg, Virginia, along with about fifty other GW students, faculty, administrators and staff. The occasion was the annual VIVA (Vital Issues, Varied Approaches) leadership retreat, and the topic for the weekend was "Beyond the Basics--Ideas into Action." I was at VIVA representing the law school and the Student Bar Association as a part of our organization's redoubled efforts to work more closely with other GW students, student groups and the University administration.

Among those participating at Lansdowne were the University president, Stephen Joel Trachtenberg; Vice President Bob Chernak; Dean of Students Linda Donnels; and Executive Director of the Office of Campus Life LeNorman Strong. Other students involved included Bret Caldwell and Elizabeth Patience, Program Board Co-Chairs, and Kyle Farmbry, Student Association president. The retreat opened with an interactive session focused on diversity and related issues. Throughout the weekend, I was busily meeting people, making contacts, and just generally doing my best to make known the interests and concerns of NLC students.

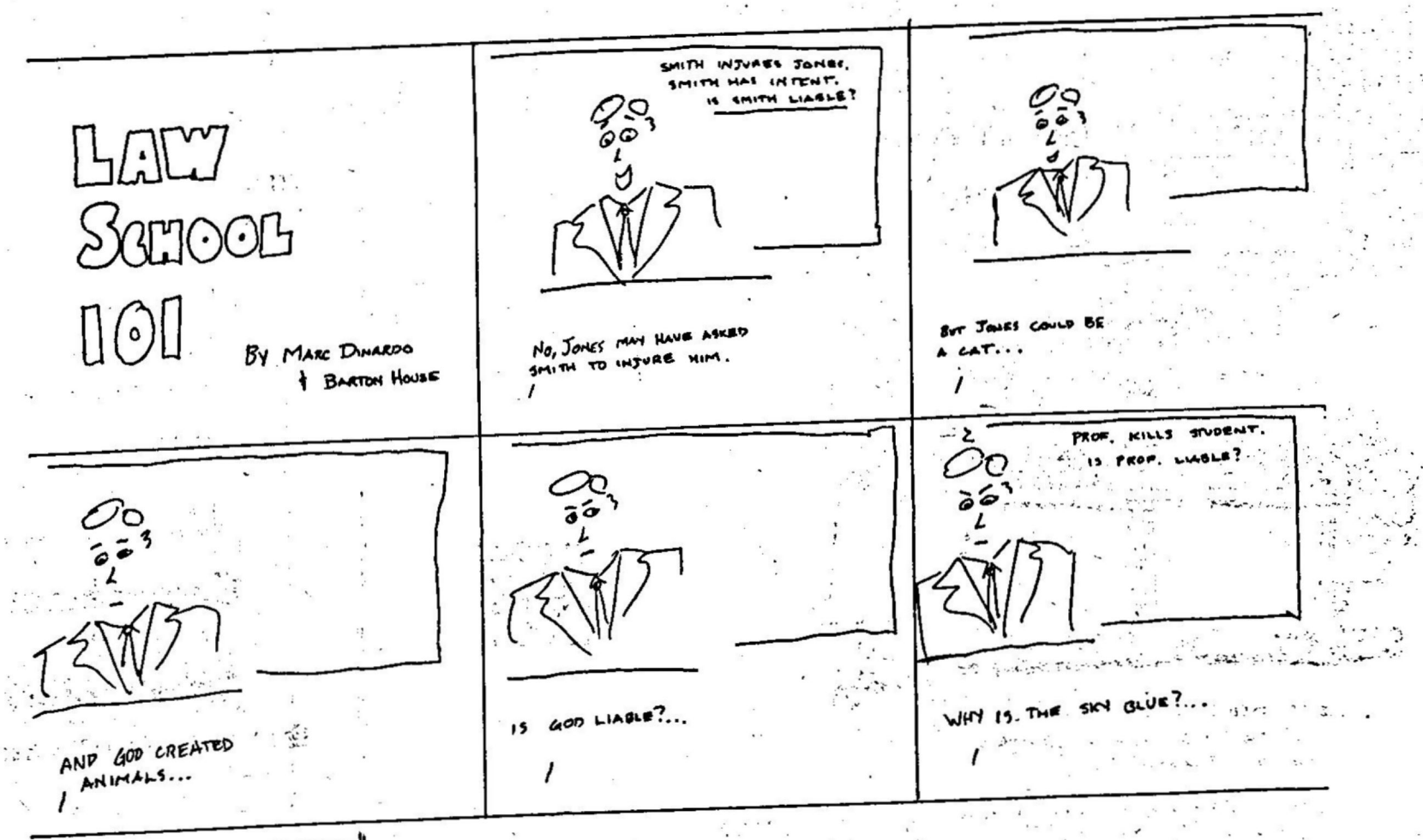
For better or worse, the NLC is part of The George Washington University. Very often neither students nor faculty and administration at the law school like to admit our connection with the University. Last year the anti-GW sentiment seemed to be especially strong, perhaps as a result of the problems with race relations (and the questionable performance of University administrators at the SBA-sponsored Race Relations forums) as well as the ever-present tuition increases.

VP PERSPECTIVE

Often, however, the positive aspects of being part of a dynamic University community are overlooked, to our detriment.

First of all, the rest of the GW community is rich in a diversity that the NLC is only just now beginning to experience. Second, there are countless programs, speakers and activities that all GW students have access to but which often go ignored by NLC students. For example, Paul Tsongas, the first announced Democratic presidential candidate, spoke on campus a few weeks ago. Another positive aspect of being part of the GW community is our access to the Smith Center and its athletic and fitness facilities as well as to the Marvin Center for food, meeting rooms, or the use of the video arcade for stress relief.

The First Annual Grad School Bonding Barbecue, which took place this past Friday in the University Yard, represents another good reason to maintain good relations with the University. The barbecue, planned by Marga Ciabattoni, Amer Syed and Bobbi Rosen of the SBA's Program Board, was co-sponsored by the Office of Campus Life to the tune of several hundred dollars. Earlier this month I talked to Steve Loflin, Director of OCL, about improving the lines of communication between the SBA and his office. He volunteered to co-sponsor the BBQ and I took him up on the offer as a good way to introduce the NLC community to *the people and resources of the Office of Campus Life. There is no reason to go it alone in funding our programs if someone else is willing* to help us out. There is a whole University out there, beyond the Quad, ready and willing to welcome us into the community. At the SBA, we think that's a good idea.



ANNOUNCEMENTS

Peer Educators Needed

Dates: 9/27, 10/4

On the above dates, the Student Health Service and the University Counseling Center will be training interested students to present AIDS education programs to other students. Students from a variety of backgrounds and experiences desired. Training will take place over the course of two days. Students will be asked to present several programs each semester. For information call: the Student Health Service, Susan Haney, 994-6827; University Counseling Center, T. Thorne Wiggers, 994-6550.

Against Our Will

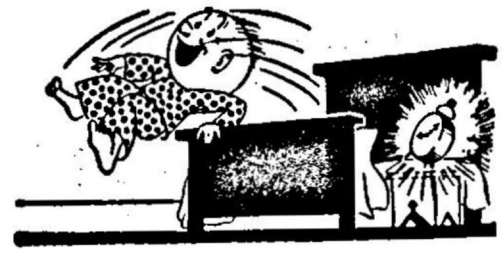
Dates and Time Depending on Students' Schedules

University Counseling Center group for victims of acquaintance/date rape and stranger rape. The group will provide a safe environment for survivors of sexual assault to work through their experiences by exploring feelings and developing strategies for personal empowerment. Contact Dr. Paula Gomez at the Counseling Center, 994-6550, if you have any interest or know of someone who does.

Enhancing Test Performance

Start Date: 9/23
Time: Mondays 3 - 4:30 p.m.
Place: Marvin Center 401

University Counseling Center group for those who feel their test grades do not reflect their course knowledge or the effort they put into studying. The group will present specific techniques for studying and for taking exams, as well as considering the role of test anxiety and negative self-statements in decreasing actual academic performance. Specific relaxation techniques will be taught. Four sessions only. Those interested should contact Diane DePalma at the Counseling Center, 994-6550.



Study Skills Seminars

Start Date: 9/25
Time: Wednesdays 4 - 5:30 p.m.
Place: Marvin Center 414

University Counseling Center three-session series will demonstrate techniques to improve studying and to save time by learning more and studying less. Topics include: Reading to Remember Content (bring text book, 10/2); and Studying for Exams (10/9). Single session attendance is permitted.

Discovering Yourself in Relationships

Start Date: 10/2
Time: Wednesdays 4 - 5:30 p.m.
Place: Marvin Center 501

University Counseling Center group for students who would like to improve the quality of their current relationships or develop new ones. Students examine their relationship goals and identify factors that interfere with attaining them. The role of family teachings, self-image, sexuality, and nuances of social behaviors will be discussed. To sign up, call 994-6550 for a pre-group interview.

Weight Training Clinic

Date: 10/1
Time: Tuesday, 12 - 1 p.m.
Place: Smith Center

Free clinic for staff and students of the GW community to meet in the universal weight room in the Smith Center. For more information, call 994-8000.

ANNOUNCEMENTS

Competitions

The Food and Drug Law Institute is sponsoring a Writing Competition to encourage students interested in the areas of law that affect foods, drugs, cosmetics and devices. Any J.D. or LL.B. candidate currently enrolled is eligible. Papers must be received by The Food and Drug Law Institute no later than June 12, 1992. First prize $3,000; second prize $2,000; third prize $1,000.

The Food and Drug Law Institute will also sponsor three writing scholarships for students attending a law school at which Food and Drug Law and/or Administrative Law courses are provided. Each recipient must have completed or be enrolled in a course in Food And Drug Law and/or Administrative Law; and submit before graduation, a paper of publishable quality on a subject relevant to the field of Food and Drug Law. Eligible persons include all degree candidates in good standing who will receive either a J.D. or LL.M. during 1993. All applications must be received by the Institute no later than April 24, 1992.

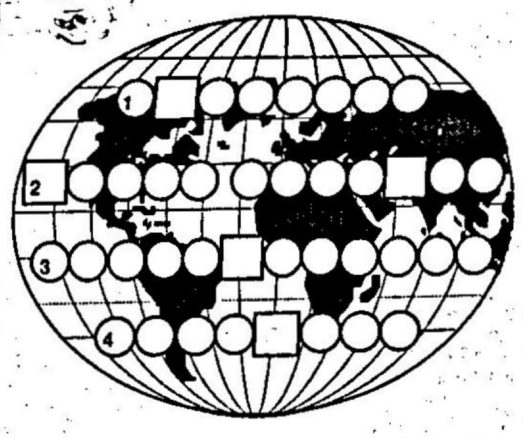
Students may contact the Institute directly for information and suggestions of suitable topics or further information. 1000 Vermont Ave., N.W., Suite 1200, Washington, D.C. 20005-4903, Attention: Julia K. Ogden (202) 371-1420.

PEACE CORPS WORLD WISE PUZZLE

For further information about Peace Corps, write Box 896, Washington DC 20526

INSTRUCTIONS: The Peace Corps has volunteers serving in nearly 80 nations around the world. By solving this puzzle, you will learn about one of these countries.

Solve the four numbered puzzle words and then unscramble the letters in the squares to produce the name of the country.



A nation of 150 islands situated East of the Fiji Islands in the South Pacific.

1. Type of government of this country, in which executive authority is constitutionally vested in the sovereign.
2. Country which at one time was protector of this nation.
3. Primary religion of this nation.
4. Former name of this island chain: the _____ Islands.

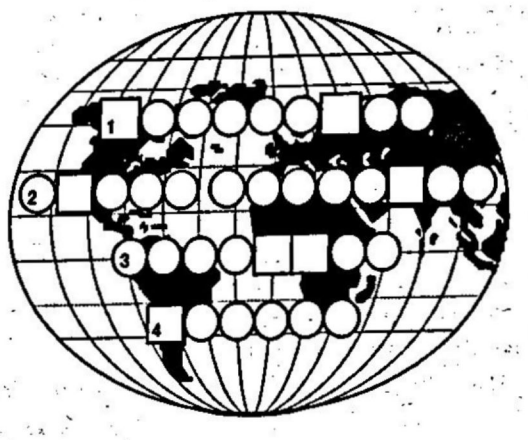
Solution: 1. monarchy 2. Great Britain 3. Christianity 4. Friendly = Tonga

PEACE CORPS WORLD WISE PUZZLE

For further information about Peace Corps, write Box 896, Washington DC 20526

INSTRUCTIONS: The Peace Corps has volunteers serving in nearly 80 nations around the world. By solving this puzzle, you will learn about one of these countries.

Solve the four numbered puzzle words and then unscramble the letters in the squares to produce the name of the country darkened on the map at the right.



Landlocked South American country which is roughly the size of California and Texas combined.

1. Adjacent country which had a First Lady who, after her death, became the topic of an American musical.
2. Religion of more than 90% of this nation's population.
3. A type of geological plain comprised of clay silt, sand or gravel, or similar material deposited by running water.
4. Neighboring country, which is the largest in South America.

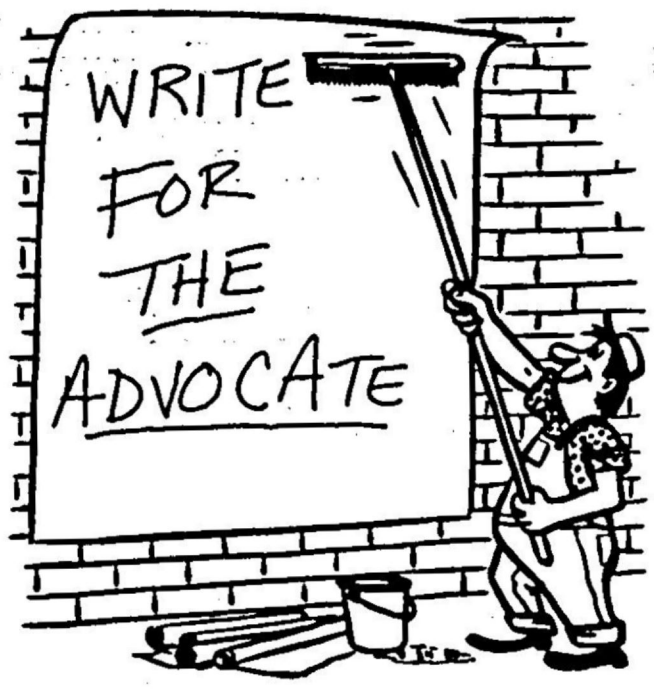
Solution: 1. Argentina 2. Roman Catholic 3. alluvial 4. Brazil = Bolivia

Fed Up With Gorging

Start Date: 9/27
Time: Fridays, 1 - 2 p.m.
Place: Marvin Center 414

University Counseling Center group for those possessed by an overwhelming desire to remain thin, yet who eat uncontrollably. The group will focus on specific methods to enhance control over the urge to binge and purge. Also exploration of life-events which tax coping abilities so much that the problems are solved through the use of food. Those interested in joining this group or learning more about eating disorders should contact Ron Schectman at the Counseling Center, 994-6550.

HUMOR



no, ms. thackery, you do not have the right to remain silent. but anything you say can and will be used against you.

LOVE THE LAW

a disrespectful cartoon by that brat Suzan Charlton,

THE 12 TYPES OF INTER-VIEWERS

ROBOT

Question #7, how do you like law school? Question #8 why are you interested in the firm of Pail, Paystee and Won? Question #9...

induces yawning

DISORGANIZED

It's been a long day, really, and I know we're behind — of course, it is 1:20 and there are 9 people in the hall...

can't find your resume

CHIC

Bad suit, honey. You can just leave now.

Your suit is purple.

I'm a partner — you have to respect that.

coordinated shoes, briefcase and pen

DINGED YOU BEFORE YOU WALKED IN

So nice to meet you. Please pick up a rejection letter from the box by the door.

does not need a copy of your transcript

JOKESTER

Say, didja hear the one about the sexist, the Dean and the angry Lithic ?

appreciates loud belly laughs

UPTIGHT

You call that a cartoon ?!

Why, this is downright childish and disrespectful. You're no cartoonist. Probably never be a lawyer either.

won't take anything for an answer

CHATTY

Don't you just love the Chinese food in New York? I simply can't get enough of it...

hates to be interrupted

TAG-TEAM

I see you're on a journal

I see you have a C- in Civil Procedure

impossible to interrupt

EXCRUTIATINGLY POLITICALLY CORRECT

We do not favor people of testosterone over people of estrogen.

appreciates vigorous nods of assent

WEIRD-O

If you could be any vegetable, which would it be?

appreciates answers that are weirder than questions

GODSEND

When can you come back to see us?

could be any other interviewer in disguise

SATAN

Good luck in your legal endeavors

ha ha haa!

ANNOUNCEMENTS

Desparately Seeking Sopranos

Sopranos and Altos needed to sing in the Chorus for Gilbert and Sullivan's

Trial By Jury

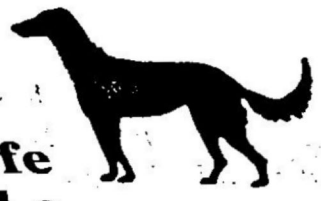
If you can sing (even just a little!), we need you and your voice!!

Please see Nancy Schultz, Room 512

Rehearsals are only two hours per week

Help Wanted

The Advocate is looking for mature, self-motivated individuals to serve as account representatives. Responsibilities would include soliciting advertisements, copy editing, invoicing, and servicing clients. Account representative is a compensated position. Interested persons should contact the Editor-in-Chief or the Managing Editor.



Student Life Not "Fido Friendly"

By: The Humane Society of the United States

The Humane Society of the United States (HSUS) says pet ownership should be a lifetime commitment, not a short-term fling to alleviate the loneliness of student life.

"Students should not think of pets like a textbook that can be traded in or thrown away at the end of the semester. Instead, pet owners must make a lifelong promise to feed and care for the animal."

HSUS suggests considering the following factors when deciding whether to become a pet owner: 1) location - does your roommate like animals, does your living space allow pets; 2) money - will you have enough to pay for food, licensing fees, yearly vaccinations, and emergency care; 3) breaks - where will Fido go, family, kennel; 4) time - do you have enough time to play with your pet, take it for a walk, clean up after it; 5) group living - will you pet have too many owners which can result in inadequate care and abuse.

HSUS adds you should ask yourself whether you see yourself as the owner of the pet in five or ten years in order to assess your true commitment to pet ownership.

What did you do today?

Thursday, January 25, 1990

"Me and my sisters went down to the center to play with the disabled kids. You know, to just be with them."

Beth Kerby
Troy, MI

Tuesday, January 23, 1990

"All of us in the class called the old people in our neighborhood to see if they were okay and if they needed anything."

Amy Hoffman
Polk, NE

Thursday, December 7, 1989

"With the help of the police, we cleaned up a park today. Not only litter, but the drug dealers and their drugs, too."

Thelma LaStrapp
Houston, TX

Wednesday, December 13, 1989

"I offered to pay college tuition for the eighth grade class if they stayed in school and didn't do drugs."

Ewing Kauffman
Kansas City, MO

There are many problems facing every community in America. But because there are more people than problems, things will get done. All you have to do is something. Do anything. To find out how, call 1 (800) 677-5515.

Ad Council

POINTS OF LIGHT
FOUNDATION

DO SOMETHING GOOD. FEEL SOMETHING REAL.

ENTERTAINMENT

THE ADVOCATE GUIDE
STAGE•SCREEN•MUSIC•CUISINE

Buy The Record . . .

by Alan Harris

MUSIC

For those of you who have seen the movie *The Commitments*, you've probably already rushed out and bought the soundtrack. For those of you who either haven't seen the movie or who have and are putting off purchasing the soundtrack, what are you waiting for!!!

This is a soundtrack that offers nothing less than raw, uninhibited performances of some of the great soul classics. The highlight of the soundtrack (and the movie) is experiencing the remarkable voice of Andrew Strong. This 16 year old Dubliner has the appearance of Meatloaf, the onstage gyrations of Joe Cocker, and a voice that *lives up to his surname. On "Mustang Sally," "Take Me To The River," "The Dark End of the Street," "Try A Little Tenderness," "Mr. Pitiful," and "In the Midnight Hour," Strong shows his versatility and presence, keeping the listener* riveted to his vocals.

The "Commitmentettes," as they are referred to in the film, are Angelina Ball, Maria Doyle, and Bronagh Gallagher. Their backing vocals appear on all of the tracks on this disc, and provide a welcome balance to the rough voice of Strong. Angelina Ball and Maria Doyle get a chance to exhibit their solo voices as they take the lead on "I Can't Stand the Rain" (Ball), "I Never Loved a Man" (Doyle), and "Bye Bye Baby" (Doyle). The duo teams up on "Chain of Fools" to provide one of the more enjoyable tracks on this disc.

The most memorable selections from this disc also happen to be two of the more memorable scenes from the film. The group's enthusiasm comes through clearly on "Destination Anywhere," with lead vocals by Niamh Kavanagh. Finally, on "Try a Little Tenderness" the entire ensemble reaches its peak with Strong screaming out the lyrics as the musicians each add their own bit of improvisational magic beneath. This song was one of the highpoints of the film, in a scene where the band finally realized their collective and individual abilities and the appreciation of their audience. Fortunately for the listener who isn't in the theater, the performance *has lost nothing in its appearance on this disc.*

The Commitments
directed by Alan Parker
with Andrew Strong, Angelina Ball, Maria Doyle and Bronagh Gallagher

I'd recommend this disc (and the film) for anyone interested in soul (Dublin Soul as the Commitments have renamed it for this disc), fine performances by heretofore unknown musicians, and just a simple good time. I'd also suggest going back to some of the original artist's recordings for those interested in a some deeper soul searching. Upcoming Attractions: Guns N' Roses, Mariah Carey, John Cougar Mellencamp, Rush, Harry Connick Jr., Wynton Marsalis, U2 and more!!!

. . . But Don't See the Movie

by Larry Levine

No songs are safe from the people who sing them, but some songs are lucky.

"(You Make Me Feel Like A) Natural Woman" survived being written by Carole King (and included on her vile *Tapestry* album) to be rescued beautifully by Aretha Franklin.

Others are not so fortunate: Lou Reed kneecapped "Femme Fatale" by singing along with the Tom-Tom Club on their lame-o version of the song.

Songs are spineless: they are blown-up, slowed down, fragmented, sampled, remixed, rewritten and revised. Except for the frequent tediousness accompanying the exercise, nothing is wrong with disengaging a song from its original context and trying to liven it up.

Doesn't always work, though. Nat King Cole, who died never having made a decent album, now must share "Unforgettable" with his less-talented daughter. (Okay, so she did an adequate "Pink Cadillac," but outshining Springsteen is still no excuse for resurrecting her father—sometimes even collage has its limits).

Still, some people think there is a locatable and duplicatable center to every song. Some people think that a song has a soul, a soul that can be captured if you have the right roadmap and the right background. The Commitments, a Dubliners-in-a-breaking-up-band movie, desperately wants to find something authentic in sixties soul music, something it can appropriate for itself, something that will replace its own artifice.

Director Alan Parker's movies are endurance tests of eclecticism: he explores lots of genres but arrives at nothing interesting. Remember *Pink Floyd's* "The Wall"? This time out he's remaking his own insipid *Fame* (thankfully with cover tunes instead of original songs), and boy does he want to inspire. Poor kids with a dream, as working class and oppressed as the soul singers who lifted the sixties: they know what it's like, they can feel it, they've got soul. Yeah.

Any lesson in authenticity from Parker is immediately suspect. His revisionist history of the FBI in *Mississippi Burning*, nifty explosions notwithstanding, marks him for good. When the band's manager starts looking for a band to manage, he slams the door on any wannabe without the proper credentials (a process very similar to our own campus interviewing program). You like Wings? Slam. Joe Tex? Yeah, come on in. If you're not authentic, well you just can't commit. (Don't forget, these standards come from the director who gave the world Irene Cara.) You know the door would close on Parker. Favorite civil rights hero? Um, J. Edgar Hoover. Slam. It just seems that Alan Parker wants to get back in (somewhere) and he's using the Commitments (or rather the songs they sing) to get there.

The Commitment's manager has a vision of what soul is, sort of the standard-romantic version. (But one that

go to page 27

Justin Chretien: Flying Another Mission

by Brent Bigler

PEOPLE

Justin Chretien (3L) knows just a little about flying.

Well. . . maybe more than a little. Maybe a whole lot. Maybe a lot more than most of us.

You see, he piloted a F4e fighter bomber for 5 years in the Air Force. *That* would teach him a lot about flying.

But Chretien gave up the Air Force and flying to go to law school.

The reason? He says the Air Force had nothing more to offer him.

And so he decided to take up the second mission of his life: law school.

The Experience of Flying

Chretien said piloting for the Air Force leaves little time to think about the sheer experience of flying. "Most of the time it's a job. The flying of the machine becomes second nature. As a soldier might drive a tank, or an infantryman might carry a gun, the aircraft itself becomes just a weapon to fight with. It's rare that you have time to think about more of the aesthetic qualities of the experience," he said.

But sometimes, just sometimes, he was able to snatch away a moment from the Air Force and bask in flying.

"When you come home from a mission—you might be soaked in sweat—you sometimes have the time to see a brilliant sunset from 30,000 feet," he said.

Or, he added, sometimes he was able to enjoy "putting [the plane] into afterburner—within seconds you can pull the stick back and just climb and climb and climb. It's a great feeling of power."

"Some people say its better than sex. It certainly lasts longer," he said.

Learning to Fly and Fight

For Chretien, learning to fly was the second step. The first step was the Air Force Academy in Colorado Springs, Colorado. Chretien didn't especially relish the Academy during the first year.

"You march everywhere, you don't speak to anybody outside of your dorm room or classroom. You're basically confined to the Academy grounds. A lot of people dropped out," he said.

But Chretien persevered, and as an upperclassman the initial confinement gave way to increased freedom. In 1980 he graduated with a major in Astronautical Engineering. His class, he was quick to note, was the first to include women.

From the Academy, he went on to pilot training school. Learning to fly had its own quirks and difficulties.

"They start you out with a T37 trainer. It has a side by side cockpit. The instructor pilot is sitting beside you. He's there to make sure you don't kill yourself," Chretien said.

The instructor pilot taught him first how to land, and then gradually progressed to more complicated aerobatic maneuvers. The whole learning process was a "very straightforward building-block approach," he said.

The first real test for a new pilot is going solo. Chretien said it came very early into his training, after only 4 or 5

go to page 27

ENTERTAINMENT

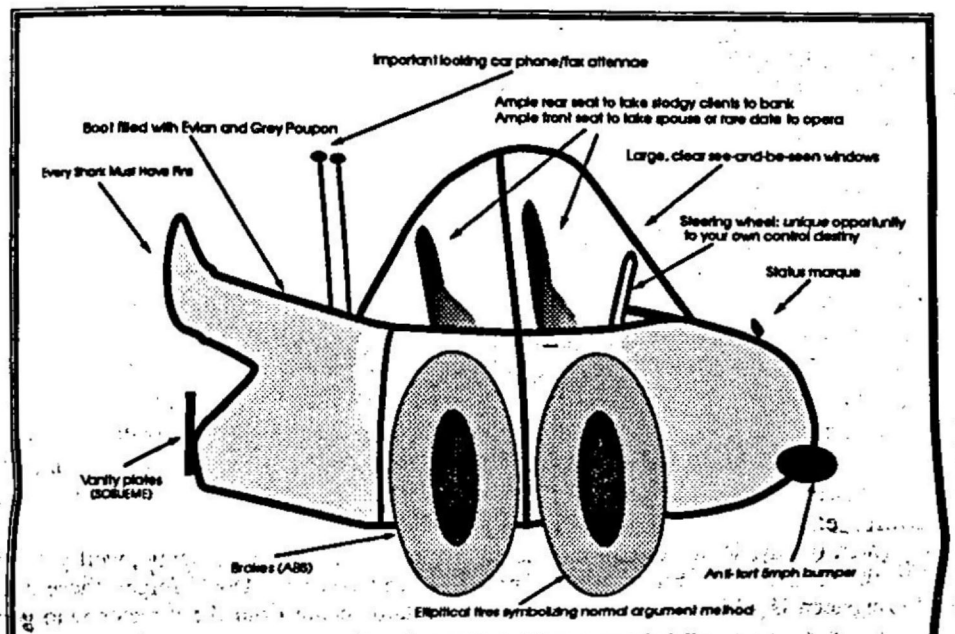
Committments, cont'd

inexplicably includes "Whiter Shade of Pale.") Nevertheless, the endless discourse on soul, that it's working-class, that it's the music of sex, blah-blah-blah, rings especially hollow considering how casually the band is willing to conform to pop commodity. They wear tuxedos and black dresses because that's how the soul singers did it. They wait for Wilson Pickett to come to their show (I suppose his support counts for more than their fans), but the only glimpse of this working class singer is of him being driven away in his limousine back to his awfully-nice looking hotel.

Sure the movie has great songs. Sure it's nice to see the semi-endearing bandlings sort of succeed. But in their mission to be different (from everyone around them) and the same (as their ancient icons) they seem to have not learned a thing the passage of time might have taught them. The band embraces the glib misogyny of their source material. The songs are for the most part swinish and the band members are for the most part swine. There haven't been this many jokes about breasts since *Porky's*. But, hey, in the search to save soul, what's a little more boys-will-be-boys dissing of women?

The movie also ducks the one big question it asks: What makes something authentic? Would the songs be any different if the Commitments were just rich kids who like Mary Wells? The movie tries to define legitimacy along wealth rather than color lines: As long as you're poor, you've got the right sound. But twisting the dividing line does not make it any less odious—it's classist rather than racist. Saying that only the working class has the ability or the privilege of singing "Do Right Woman" is identical to saying only blacks can really rap and only white guys should play heavy metal, cause blacks have the rhythm and only whites can play guitar. (Of course its hard to explain Michael Bolton—he's as legitimate as anyone brave enough to sing, but God is he awful.)

The Commitments can't have it both ways: you can't be clueless working heroes who dismiss women (their backup singers are the Commitmentettes after all), you can't find the soul of a song and make it your own. There is no commitment here other than trying to excel at artificial sincerity.



The Essential Attorney-Mobile

Chretien, cont'd

flights.

But going solo proved to be the simplest part of flying. The real difficult came with learning how to fly and fight at the same time.

Flying a fighter jet puts an enormous amount of stress on a pilot's body, Chretien said. The plane's cruising speed is 400 knots, which is about 450 miles per hour. Doing aerobatic maneuvers at that speed will commonly subject a person to 6 to 8 "G's" of force. "That means your body weighs 6-8 times to what it normally does," Chretien said.

While pulling G's, blood in the pilot's body tends to pool in his feet, depriving the brain of an adequate supply. Without special equipment and training, "above 4-5 G's people get tunnel vision and black out," and possibly die, he said.

G-suits ("basically like having a balloon around your body") and muscle training help counteract the effects of pulling G's.

> "No pilot thinks he's going to be shot down."

But, said Chretien, "here is the catch. The hardest part is not so much withstanding the G forces. The hardest part is to fight while you're pulling G's."

A fighter pilot must keep visual contact with his adversary, because instrumentation alone is not adequate in close quarters. Keeping visual contact means the pilot must turn his neck behind him, often 180 degrees.

Chretien said turning his head was "the hardest part." The combination of trying to keep the blood flowing to his brain and trying to keep an eye out for the enemy was especially difficult.

Chretien never flew in an actual battle. "The only Air Force combat during the time I served was the raid on Libya," in which he did not participate, he said.

But during the Gulf War Chretien "called up the Air Force and wanted to know if they could use me."

Chretien said he wanted to fight overseas because his entire training up to that point was focused on preparing for war. His instinct to join the fight outweighed any danger that might come while in battle.

Besides, he added, "no pilot thinks he's going to be shot down."

The Air Force had no use for him. They told him "no thanks, because even with this war we're going to continue to draw down our forces," Chretien said.

Still, the war profoundly affected him. One of his flight-mates was shot down and killed during the second night of the war.

"He flew in my backseat a lot. His picture was in the [Washington] Post. He had children. He was a good man," Chretien said.

"That kind of brought [the war] home," he added.

Going to Law School

Chretien decided to leave the Air Force only because he felt he had exhausted all of its possibilities.

"I had 2000 hours of flying time, and I had done everything I could do in the peace time Air Force that I wanted to do. Anything from there on out would be a variation of what I was doing," he said.

When he looked at his options, he found that law school was his best bet. Although most of his friends left the Air Force to become commercial pilots, "it wasn't for me," he said.

But choosing law school didn't come automatically. With a wife and two children, Chretien had to consider his choice carefully. "Anytime somebody in their 30's makes a career change, it's a wrenching decision to make," he said.

What swayed his decision to go to law was the versatility of a legal education. "With a JD you can do a lot of things in our system. You can be a lawyer, or you can go into business."

Chretien doesn't know exactly what the future holds. He wants to be a trial lawyer, either in civil or criminal litigation. The Georgetown firm he currently works for does aviation litigation, but he is unsure whether he will continue in that field.

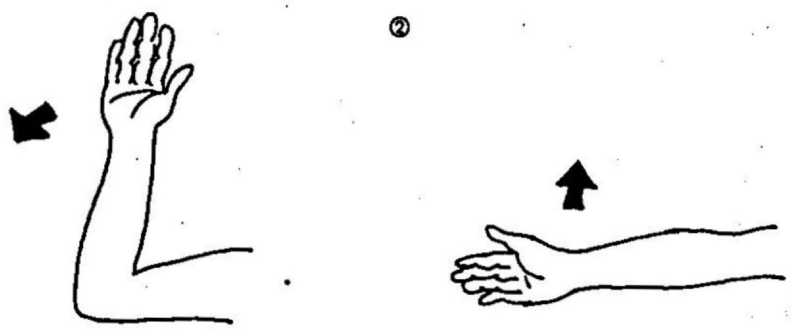
For now, he is just savoring the second flight of his life.

S•P•O•R•T•S

The Tomahawk Chop, The Atlanta Braves, The L.A. Dodgers, Ron Gant, Otis Nixon, and The NL West

by Ed Johnson

Are you ready to join in the latest fan participation craze? Then follow this simple diagram:



③ Repeat steps 1 and 2

It's called the Tomahawk Chop, and if you've been following major league baseball this year, you can't help but have noticed it. Of course, you may have seen it before if you've watched a Florida State Seminole football game (where it's accompanied by a war chant). The Tomahawk Chop has become the rallying cry (so to speak) of Atlanta Braves fans as their team fights the Los Angeles Dodgers down to the wire for the NL West title. In last week's *Sports Illustrated*, Richard Hoffer said it was "an impressive sight when 50,000 people do it." I was at a party last Friday night where the Braves-Dodgers game became the focus of attention, and I can tell you it was equally impressive when 20 drunken expatriate Georgians did it.

As I write this column, the Braves are a game and a half down, having dropped two of three in Los Angeles. They have a game in hand with ten games remaining. The odds are in the Dodgers' favor since they have more experience in clutch situations, whereas the Braves haven't smelled a pennant race since 1982. In addition, they have more home games remaining. Regardless of the outcome, it has been a great year for Braves fans. The team has gone from last in 1990 to (maybe) first, and have done it the hard way—they BUILT it. The young pitching staff has matured; Ron Gant has become the third player in baseball history to have consecutive 30-30 seasons (Willie Mays and Bobby Bonds being the other two); and Terry Pendleton and Sid Bream have added the right touch of clubhouse maturity. It's really hard to say what effect the loss of Otis Nixon, as a result of failing a drug test, will have on the team; Nixon's substance abuse is a matter worthy of a full column in itself. Deion Sanders has been cleared to play for both the Braves and Falcons; he doesn't have much of a bat (.193) but can replace Nixon with speed on the basepaths.

Crowds of 40,000 plus have been filling Atlanta-Fulton County Stadium (now called "the Chop Shop"), where only recently the head count was maybe one-tenth that number. It's easy to dismiss these crowds as fair-weather fans and I'll admit, having been there myself, that Braves fans often aren't that knowledgeable about the game. Both of these drawbacks may be related to the poor caliber of play that they've been exposed to for the past decade. Now, with an exciting pennant contender and the nucleus of a good team for several years to come, those fans can finally get to see how a solid baseball team is supposed to play. On a larger scale, the Braves' success could help Atlanta (which, to date, has gotten excited mostly over Georgia and Georgia Tech athletics) on its way to becoming a better sports town, in anticipation of the 1996 Summer Olympics.

Gee, maybe getting TBS as part of the basic cable package isn't so bad after all!

Chicago Bears fan Bart Colombo celebrates his team's victory

TURBO TRIVIA

THE QUESTION: A number of major league baseball players have hit home runs in their first major league at-bat. Name the only player to hit two home runs in his first two major league at-bats.

RULES: The first person with the correct answer, placed in Ed Johnson's (2L) folder before the next Advocate *deadline (October 9), will win a Topps baseball card (NOT a Topps baseball, as advertised in last week's column; Topps doesn't make baseballs) and get their name mentioned in my next column. In the event of a tie, I'll give each person with the correct answer a Topps baseball card, since I can't always tell whose answer was first in my folder.*

IMPORTANT DATES

FRIDAY, OCTOBER 4
- *California Regional Program*

WEDNESDAY, OCTOBER 9 AT 6:00 PM
- *All Collection #3 resumes are due.*
- *Lists for Collection #4 available in Resource Library.*

THURSDAY, OCTOBER 17 AT 4:15
- *Public Interest Field Day.*

WEDNESDAY, OCTOBER 23 AT 6:00 PM
- *All Collection #4 resumes are due.*

THURSDAY, OCTOBER 24 AT 4:15 PM
- *Small Firm Field Day.*

FRIDAY, OCTOBER 25
- *NAPIL Public Interest Job Fair.*

Information is available in the Resource Library.

SATURDAY, NOVEMBER 2 AT 9:00 AM
- *Options Galore Field Day*

MONDAY, NOVEMBER 4 - FRIDAY, NOVEMBER 8 AT 4:15
- *FYI Sessions for first year law students*

THURSDAY, NOVEMBER 14
- *Large Firm Field Day*
- *Myers-Briggs Type Indicator Workshop*

THURSDAY, NOVEMBER 21
- *Strong Interest Inventory Workshop*